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Part VI

Witness no. 138

Statement of

M. Muhammed Mumtaz

1chan Daultana

Cr.Misc. No:741 of 1953.

-o-o-

Present:

Mr.Ibrahim Ali Chishti detenu-petitioner
in custody.

Mr.A.R.Changez, Advocate-General, Punjab,
for the Crown.

Witness No:3.

Mian Mumtaz Muhammad Khan Daultana, ex-Chief
Minister, Punjab, on S.A.-

To Court:

Q. The Chief Secretary has stated that some time
on the 5th or 6th of March you instructed him
to send Mr.Ibrahim Ali Chishti out of Lahore.
Is it correct ?

A. Yes,,but I think it was on the 3rd or 4th that
this happened.

Q. Why did you wish him to be sent out of Lahore ?

A. I had no reason whatsoever to believe that

Mr.Chishti had anything to do with the agitation
which was then going on in the Province. But
round about the 3rd or 4th of March, Mr.abdus ✓

Satter Niazi became very prominent in the control
and direction of the agitation, and as it was within

my personal knowledge that Mr. Ibrahim Ali Chishti and Mr. Niazi were great friends, I suggested to the Chief Secretary that, to avoid any complication, it would be a good thing if Mr. Chishti is not in Lahore during those days. I did not take any further interest in the matter.

Q. Did you tell the Chief Secretary that Mr. Chishti should not know why he was being sent away ?

A. No.

To Mr. Ibrahim Ali Chishti detenu:

Q. Till the date of the orders mentioned, is it correct that you had no suspicions against my dependability?

A. Either at the date of the order, or before or after that I had no reason to doubt the dependability of Mr. Ibrahim Ali Chishti.

Q. Is it correct that Hon'ble Mr. Fazal Ilahi Piracha and your Secretary Mr. Muhammad Zakir Qureshi called me to the Punjab Secretariat on 5th March and on your behalf required me to contact the Ulama with a view to persuading them to advise the public in their Juma sermons that law and order should be maintained?

A. I gave no such specific instructions to either of the two gentlemen mentioned. It is true, however, that

earlier, on the 3rd or 4th, I had requested Mr.Fazal
Ilahi Piracha to specially interest himself
in securing the cooperation of the Ulama and
requesting them that in the course of their
sermons in the various mosques in Lahore, they
should advise the public to maintain law and order.

Q. Did the D.P.R. at the time ever bring it to
your notice that he was getting articles written
from me in favour of law and order in the context
of the agitation and was I not doing this work
without any extra payment?

A. This may well have been so, but the D.P.R. did
not specifically mention this to me at any stage.

Q. Is it correct that prior to my despatch to
Karachi, probably on the 6th or the 7th, you
instructed Mr.Muhammad Zakir Qureshi to cancel
my visit to Karachi?

A. I could not have done that because, as I have
previously stated, after the 3rd or the 4th when
I had this talk with the Chief Secretary,
I did not deal with this matter any further.

Q. I may remind you that when you instructed
Mr.Muhammad Zakir Qureshi to cancel my going

to Karachi, other Ministers were also present at your residence?

A. I cannot recollect at all.

Q. Had you any idea that I would be arrested at Karachi ?

A. No.

Q. Were you informed that I had been arrested at Karachi?

A. I do not think I was officially informed. We were very busy in those days, and it is very difficult to have a precise remembrance about these things.

Q. But if the news of my arrest were communicated to you, you must have been surprised why a gazetted officer of your Government was arrested by the Central Government without previous consultation with you?

A. Yes. That would be a surprising thing in normal circumstances.

To Court:

Q. If the news of his arrest would have been a surprise to you, you would naturally remember that surprise if it ever came to you ?

A. It is difficult to say anything.

To Mr. Ghishti contd.

Q. Had you any idea at that time or subsequently why I was

arrested at Karachi?

A. I was never informed.

To Court:

Q. Did you have anything to do with the arrest of Mr.Chishti at Karachi?

A. No.

Q. Did the Punjab C.I.D. ask you to send Mr.Chishti away from Lahore?

A. No.

R.O.&.A.C.

Sd/-M.R.Kayani.

18th January, 1954.

Mr.Chishti wishes to have Mir Nur Ahmad and Mr.Muhammad Sarfraz Khan, the former and present Directors of Public Relations, Punjab, and A.I.G., C.I.D., Karachi, called as witnesses. The order of the Central Government under which Mr.Chishti was arrested in Karachi has expired, and we do not see how the evidence of the A.I.G., C.I.D., Karachi, would be relevant to his present detention. We do not, therefore, consider it necessary to call him. The other two witnesses will, however, be called for 28th January, 1954, when Mr.Ibrahim Ali Chishti

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should also be produced in Court.

Sd/-M.R.Kayani.

Sd/-M.Munir.

18th January, 1954.

18th January, 1954.

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87th Sitting.

P r e s e n t :-

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member.

-:oOo:-

Mr. Fazal Ilahi, Advocate, assisted by

Mr. Ijaz Ali, for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate,

assisted by Malik Abdul Aziz, Advocate,

for Mian Muntaz Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by

Mr. Ghulam Murtaza, Advocate, for Sadr

Anjuman Ahmadiyya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-

Ahrar.

Mr. Said Malik, Amir-i-Jama'at-i-Islami, in

person.

Maulana Murtaza Ahmad Khan Maikash, Member,

Majlis-i-Amal, in person.

Mr. Faiyaz Ali, Advocate-General, Pakistan, for the

Central Government.

In Camera.

Witness No:138 (As his own witness):-

Statement of Mian Muntaz Muhammad Khan Daultana, ex-
Chief Minister, on solemn affirmation:-

To Mr. Muhammad Yaqub Ali Khan:-

Q. Who were the persons in charge of the election campaign on behalf of the Muslim League Party for the elections to the Punjab Legislative Assembly held in 1951?

A. The person in charge of the elections was primarily the President of the Punjab Muslim League - Soofi Abdul Hamid, and, as there was not a functioning Muslim League Government in the Province, the main charge of the elections was in the hands of the late Prime Minister of Pakistan, Mr. Liaqat Ali Khan in his capacity as the President of the Pakistan Muslim League.

Q. Is it correct that it was he who throughout remained in charge of the campaign?

A. Yes.

Q. Was there any pact or settlement arrived at between the Majlis-i-Ahrar and the Muslim League in order to combine their efforts to win the elections for the Muslim League party?

A. As far as I am aware, there was no such pact or arrangement. Of course, as a fairly prominent worker of the Muslim League, I should have known if there had been any such arrangement. ✓

Q. Did the Majlis-i-Ahrar help the Muslim League in the elections of March, 1951 all over the Province?

A. It is within my personal knowledge that in certain constituencies Muslim League candidates were opposed by prominent members of the Majlis-i-Ahrar, while in others they were assisted by the Ahrar.

Q. Is this answer confined to Ahmadi nominees of the League?

A. No. The Majlis-i-Ahrar, as an organisation, were not officially taking part in this election. So, it was a question of personal concern what individual Ahrar leaders did in particular constituencies.

To Court:-

Q. How many Ahmadi candidates were nominated by the Muslim League ?

A. There was one in Lyallpur and one in Sheikhupura. There may have been more, but I do not know.

To counsel (Continued):-

Q. Can you recall that actually the Muslim League gave tickets to six Ahmadis ?

A. It may be so.

Q. What was the attitude of the Punjab Government towards the Majlis-i-Ahrar and their activities in the Punjab before you formed the Ministry in April, 1951 ?

A. My knowledge of this is, of course, based on my study of the relevant files when I came into office. The position appears to be this, that the Majlis-i-Ahrar immediately after partition, for a period, did not ostensibly state that they would take part in politics. Later on, they began doing propaganda on what they considered to be a religious issue - the issue of Khatm-i-Nubuwwat - which involved a certain attitude towards the Ahmadiyya community. It appears that from time to time their activities in this connection and their propaganda were brought to the notice of the Punjab Government, that is, either the Governor, as section 92 Governor, or his Advisers, who were representatives of the Muslim League. It appears that it was suggested at that time that the propaganda was of a virulent nature, but at all times, as far as I recollect, the policy of the Punjab Government before I came, had been not to take any definite action against the Majlis-i-Ahrar, and from time to time only warnings were administered to the Ahrar leaders.

To court:-

Q. Do you think that when the Ahrar took up the religious issue after the establishment of Pakistan, they were prompted by any political motive ?

A. This is possible.

To counsel (Continued):-

Q. Please see the minutes of the meeting, dated the 10th of December, 1951, and recall if this was the first occasion when the anti-Ahmadiyya activities of the Ahrar were brought to your notice.

✓ A. Yes.

Q. Can you recall that all the officers who were present at this meeting, namely, the C.S., I.G.P., D.S.H., agreed with the decision taken at this meeting or that there was any disagreement between you and these officers?

A. No, there was no disagreement between me and these officers. In fact, it was on the basis of their recommendations that the decision was taken.

To Court:-

Q. When the decision was taken on 6th December, had the Central Government secret letter No:738-S(1)/51, dated 7th September, 1951, from the Secretary, Ministry of Interior, to all Provincial Governments, been received.

A. The aforesaid letter must have been received, but I do not remember if any reference was made to it in the course of the discussion that was held on 6th December, 1951 and which eventually led to the issue

of a letter, on 24th December, 1951. I have seen this secret letter now. The letter, dated 14th December, 1951, issued by the Punjab Government on the subject of Ahrar-Ahmadiyya controversy is fully consistent with it.

Q. The Chief Secretary's note, dated 5th July 1951, contains reference to a letter which he describes as M/1-C. Did you have this letter also in view when the aforesaid decision was taken ?

A. I do not precisely recollect that this letter was brought to my notice by any one.

To counsel continued :-

Q. In paragraph 4 of the note of Mr. Anwar Ali dated 7th November, he has made certain proposals. Similarly in his note dated 14th November, 1951 he has considered those proposals and expressed himself equivocally. Does it mean that the decisions taken on 6th of December, 1951 overruled anyone of these suggestions or is it that as a result of the discussions all of you were in agreement that a decision in this form should be taken ?

A. It was not that a particular proposal was made and negatived and that then another proposal was made. It was a general discussion in which in complete and full agreement with the officials a certain line of action was adopted.

Q. When was the note of the D.I.G., C.I.D., dated 20th May, 1952, and that of the I.G.P., dated 23rd May, 1952, put up before you for consideration ?

A. From the file it appears that these notes were put up before me on the 23rd of May, 1952.

Q. What orders did you pass on these notes ?

A. I decided that a conference of the officers concerned should be held on the 25th to consider the situation arising out of the notes.

Q. Was a meeting then held on the 25th of May, 1952?

A. Yes.

Q. Who were the officers present at this meeting?

A. The I.G.P., the D.I.G., C.I.D., the Home Secretary and the Chief Secretary. There might have been other subordinate officers but the presence of the aforesaid officers were absolutely necessary.

Q. Were any minutes of this meeting recorded?

A. No.

Q. Will you recall the proposals made by these officers and the point of view which they expressed at the meeting ?

A. There was no question of these officers making a particular proposal and that proposal being accepted or turned down. All aspects of the situation were considered and then in common consent and agreement a certain decision was taken. The position had become

very important after the Jahangir Park meeting that had been addressed in Karachi by the Hon'ble Foreign Minister. This address of the Foreign Minister had caused a good deal of resentment. It was with this background that we met on the 25th to consider the position. The demands of the agitators were supposed to be of a constitutional nature and were addressed to the authorities competent to decide them, which meant the Central Government or the Constituent Assembly of Pakistan. The first thing for our consideration was whether we should prohibit the very putting forward of these demands. Our impression then was that this was a matter which the Provincial Government could not decide. The demands were based upon a doctrine, rightly or wrongly, which had the support of the general public behind them. The second point for consideration was whether the propaganda in support of these demands

if carried on within the bounds of the law of the land, should or should not be prohibited. There also the consensus of opinion in the conference was that we were not in a position to decide this question because before we prohibited propaganda in favour of the demands some competent authority had to decide on the merits of the demands. The Provincial Government could not decide this without consultation with the Central Government. There was yet another consideration, namely, whether some action of a prohibitory nature against the Akhbar, like banning this organization, could be taken unilaterally by the Punjab Government. We were of the opinion that in view of the data at our disposal then, this could not be done because we had no definite knowledge or overwhelming suspicion to show that the Akhbar were embarking upon a conspiracy against the State or that they were agents of a foreign enemy power or that they were openly advocating illegal and violent political methods for the acceptance of their demands. In any case it would not have been a justifiable decision. The demands on which the agitation was based had an

all-Pakistan ambit and the Ahrar were an all-Pakistan organization. Therefore, it was not possible to take any preventive or punitive action against the Ahrar without the consultation and approval of the Central Government. Apart from all these considerations, it was our duty to maintain law and order in the Province in the sense that while we could not stop a party from putting forward certain demands or making propaganda in support of them, if in the process of that propaganda, it incited people to violence leading to breaches of peace and conflicts with the general law of the land, action had to be taken. A decision was, as far as I can recollect, taken in the conference that strict action was to be taken against all incitement to violence and all other acts or wrongs which were actionable at law. This policy was never deviated from throughout my term of office.

To Court:-

Q. These decisions were taken on 25th May, 1952, when were the demands formulated ?

A. These were the demands of the Ahrar from the very beginning, say 1951. Later on they became a part of a much larger organization which included the main body of the ulama of Pakistan. There they formally adopted these demands at a later stage. It was, I think, on the 13th of July or thereabout.

Q. Do you recollect if the I.G.P. (Mr. Qurban Ali Khan) was present in the meeting held on the 25th of May?

A. I think so.

Q. Did he emphasise in that meeting the following point of view :-

"It is a difficult decision to take, I know, but some one has to take it. The Central Government is not likely to share the responsibility of getting involved in a matter which has the remotest chance of risk in their opposition, especially on an issue which may be exploited as a religious issue. There is a possibility of that. In fact the moment Ahrar are touched, they will make that an issue, but some Government, somewhere must give the masses a correct lead. If every party is afraid that the Ahrar will join hands with the opposition, no one will ever be able to maintain law and order. In fact the Ahrar are today no power. Tomorrow they

may become one. No sensible person can support their policy of violence. If Government is convinced that the conduct of the Mhrar calls for action, today is, I submit, the most opportune time to take it".

- A. A general discussion took place in which all aspects of the question were considered. The consensus of opinion was that no action could be taken unless the Central Government had formulated a definite policy and that we should make every effort to secure their decision, and that in the meantime we should take proper and adequate action on the narrow basis of the maintenance of law and order which fell exclusively within provincial responsibilities.

Q. Was a reference to the demands made in the notes which led to the meeting of the 25th?

- A. The demands are not referred to in the noting but they did come up for discussion.

To counsel continued:-

Q. Can you recall, with reference to the letter of 5th June which was issued in consequence of the

decisions taken at this meeting, if it was decided to ban the meetings of Ahrar and Ahmadis throughout the province under section 144 ?

A. Yes. The gist of the decision was that whereas before this the making of an order under section 144 in respect of meetings organised by the Ahrar or the Ahmadis was left to the discretion of the District Magistrates, hereafter they had no discretion in the matter and such meetings had to be banned.

Q. Was there a proposal that the Punjab Public Safety Act should be made use of in dealing with such situations?

A. The general attitude of the Government which I was representing was that this Act was to be used very sparingly and only in absolutely unavoidable circumstances. This was the position which my Government maintained throughout its period of office. Of course if any circumstances arose in which no other method was useful for maintaining the tranquillity of the country or to ward off a particular threat to law and order, it had to be used but because it is a

very drastic step and goes against certain basic principles of freedom, it was to be used very sparingly indeed. In this particular context, I do not remember if a particular proposal was before us to apply the Punjab Public Safety Act in a particular instance but our general policy was to avoid the application of this Act.

Q. Is it a fact that the Punjab Muslim League, in its manifesto issued at the time of elections to the Punjab Legislative Assembly in 1951, disapproved of the Punjab Public Safety Act ?

A. To be more precise, the position taken in the manifesto was that the Public Safety Act must be suitably amended. It may be at times necessary to use it, but its use should be very sparing and that legislation should be brought forward to remove the more undemocratic features of the Act.

Q. Is it also a fact that this manifesto was issued with the approval of the Central leadership?

A. It was formally approved by the Pakistan Muslim League President and, I think, his Working Committee. It is a part of our constitution that this should be done.

Q. After these meetings were banned on the 5th June, what was the result so far as the agitation was concerned?

A. After the action taken on the 5th June and subsequently in June and July, the situation developed in many directions. The most important immediate

consequence of it was that the agitation went completely into the mosques. What happened was that meetings now were no longer held in the open but were held only in mosques, and it became necessary for the Government on certain occasions to take action against speeches made in mosques. This led to a very difficult situation for the Government because great bitterness was created in the country. It was alleged that the Muslim Government of Pakistan had put certain restrictions upon congregations in mosques which had never happened before and that people were being arrested for making speeches or collecting in mosques. In consequence, the general feeling amongst the public was no longer concentrated on what the Majlis-i-Ahrar were doing or on the particular demands but on the fact that certain action had been taken by the Government in mosques. One of the aims of Government was that we should isolate the

Majlis-i-Ahrar and their leadership from the general mass of the Muslims because our impression was that on this issue they have only the passive support of the people. Unfortunately due to this concentration of the agitation in mosques, instead of being able to isolate the Ahrar, there was a possibility that, on the narrow issue of the hurmat of the mosques, a much larger section of the people might be antagonised. Another consequence was that although the Majlis-i-Ahrar to some extent sobered down by the action that was taken against them, they immediately tried to widen the ambit of their organisation. They withdrew from the forefront of the movement and a Majlis-i-Amal having been formed, they ostensibly became only a part of a much larger movement of religious leaders

of the Muslim community generally. This thing went on during June and July.

To Court:-

Q. Was any effort made to explain that the ban was intended only against the holding of public meetings organised by the Ahrar or the Ahmadis and not against ordinary Friday sermons?

A. I think distinct efforts were made in this direction. I recollect that meetings of officers were held and it was decided that to clarify this position, propaganda should be resorted to, and the relevant departments were instructed accordingly.

Q. Did the subsequent prosecutions relating to the contravention of section 144 orders relate to cases where public meetings had been organised by the Ahrar in mosques ?

A. The orders that were to be promulgated under section 144 by District Magistrates were intended by Government to be applicable only to such meetings, and it was the duty of the District Magistrates to see that they were not applied to audience collected

for the hearing of ordinary Friday khutbas. I may also add that it was naturally very difficult for a District Magistrate to distinguish between a meeting in mosques or khutbas in mosques directly organised by the Majlis-i-Ahrar and its leaders and similar meetings and khutbas in connection with the Ahmadi-Ahrar controversy organised merely under their inspiration.

To Counsel continued:-

Q. Was it pointed out to you or to your Government when this ban was enforced that an average Muslim citizen was not capable of appreciating as to when a khutba congregation changed itself into a public meeting organised by the Ahrar and that people who had initially and primarily come to attend the Juma prayer also became liable under the ban?

A. Such confusion did exist amongst a section of the people and much was made of it, and from this many of our troubles grew.

Q. When did you go to Nathiagali in June?

A. I think it was some time between the 25th and the 28th of June.

Q. What was the purpose of your visit?

A. To attend the meeting of the Basic Principles Committee.

Q. Were you present in Lahore when a meeting of the District Magistrates and other officials was held under the presidentship of the Chief Secretary on the 5th of July 1952 ?

A. I was not present.

Q. Was any previous reference made to you about the proposals to be discussed at that meeting?

A. I do not know.

Q. Were the decisions taken at this meeting later on put up to you for your approval?

A. Yes. They were put up to me for my information.

Q. It is said that on 13th of July 1952 a Convention of All-Pakistan Ulama was allowed to be held in the Barkat Ali Muhammadan Hall in contravention of the ban under section 144 Cr.P.C. and that this fact was also brought to your notice. Will you tell the court what the correct position is ?

A. There is a file about this and if I am shown that file I shall be able to answer the question.

(After seeing File No:16(2)107, Volume II,
the witness says):

It appears that the question as to what action the Government should take in connection with this proposed meeting was first considered by the I.G., and his view was that this convention should be allowed to be held and that in actual fact the Government would only derive certain useful information from it. Later on, it appears that at the meeting held on 5th July 1952, under the presidentship of the Chief Secretary, in which the District Magistrates from the whole Province were present, this matter was again specifically considered and the decision taken was that this convention should be allowed to be held. This was again considered by the I.G. and he was very definitely of the view that the convention should be permitted to be held.

Q. What was the purpose for which this fact was later on brought to your notice?

A. Only for information.

Q. Did any of the officers take your advice on the

question whether the persons who had contravened the order under section 144 by holding the All Muslim Parties Convention on 13th July, in Lahore, should be prosecuted ?

A. No.

Q. Were the notes of the Home Secretary and the Chief Secretary dated 4th and 5th July respectively, put up to you at Nathiagali and what was your decision ?

A. These notes were put up before me at Nathiagali and I entered a note in my own handwriting, setting out my views on pages 52-54 of File No:5(3)31.

Q. Did you revise this policy vis-a-vis the agitation and the parties concerned, up to 27th of February 1953?

A. I think this note expresses the policy of my Government throughout this period, and this policy was never revised.

To Court:

Q. Why did you not consider a reference of the question to the Centre necessary ?

A. On the larger question relating to the demands, I felt that a reference to the Centre was absolutely necessary.

Nobody except the Centre could decide this, and, in the earlier part of the note, I referred to the fact that I was taking steps to secure the formation of a consistent and definite policy by the Central Government on the question of the Ahrar-Ahmadi controversy as well as on the general attitude to be adopted in all agitations and movements which were likely to inflame and exacerbate sectional feelings. I was making an effort to secure this from the Centre at a high level meeting which was proposed to be held towards the end of July. On the narrower point of how to maintain law and order in the Province and punishing breaches of law and order, no reference to the Centre was necessary because our primary duty of maintaining law and order was obvious.

Q. Why did you not make a written reference to the Central Government contemplated in the notes of the Home Secretary and the Chief Secretary?

A. I thought that the matter was so urgent and important that it required consideration and decision at the very highest level where all the authorities concerned should be present. In all such matters, it is my experience that where various administrations are involved, the most effective way of arriving at a decision is through holding such high-level conferences. As I had already made arrangements to see that such a conference was convened at an early date - and it was actually held in August - a written reference would have been comparatively ineffective. It was our experience that written representations did not very frequently yield any definite guidance.

Q. What efforts did you make to arrange this high-level meeting while at Nathiagali ?

A. Before I went to Nathiagali, where I stayed from about the 28th of June to about the 9th of July, this agitation had been going on in the Punjab and in full consensus with my officers it was my view that we should get a clarification of policy from the Centre. It was my impression that the

Honourable the Prime Minister of Pakistan would also attend the meeting which was being held at Nathiagali and that I would be able to get guidance from him directly or secure the holding of a high-level conference. Unfortunately the Prime Minister did not attend that meeting. So I placed my point of view before some of his colleagues who were present in that conference and also before H.E. Khawaja Shahab-ud-Din. Khawaja Shahab-ud-Din told me that he had, in consultation with his brother, the Prime Minister of Pakistan, made arrangements for the holding of such a conference in the near future.

Q. It is said that, after you returned from Nathiagali to Lahore, a meeting was held in Lahore on 15th July 1952 at which the Home Secretary and some other officers were present. It is recorded in the note of the Home Secretary that in that meeting a decision was taken to withdraw the Gujranwala case against certain Ahrar leaders. Did you attend that meeting?

A. I do not recollect this meeting. Normally, such decisions would be taken by the Home Secretary independently of me. My signature below this note does not necessarily indicate that I was present at the meeting.

Q. Do you know the facts of this case ?

A. The position about such a case would be that it is completely within the competence of the Home Secretary and the Chief Secretary to decide. In this particular case, I had not given any order or indication of policy, apart from the decision of the officers concerned. As far as I recollect, it was a very small matter about some leaders having been involved in two different cases and their cases were probably withdrawn in one place because they had been convicted in another place. The District Magistrate of Gujranwala had on his own released them.

To Court:-

Q. The Home Secretary has stated that you were present at the meeting and that the decision to withdraw the cases was yours. Is that so ?

A. This should make me doubtful whether I was or was not present at that meeting, but I am definite that the decision to withdraw the case was not mine, though it may be that I agreed with the views of the other officers to withdraw the cases. ✓

Q. It is suggested that this case was withdrawn because some kind of understanding had been arrived at between you and the Ahrar. Is that so ?

A. This is absolutely untrue.

Q. On 21st of July 1952, a decision was taken to lift the ban imposed under section 144 on the Ahrar meetings; to release the convicted Ahrar leaders and to withdraw cases pending against some of them. Can you tell if this was the result of some private understanding between you and the Ahrar or whether it was an administrative act ?

A. There was no private understanding between me and the Ahrar. The act was purely administrative and the decision was taken after the fullest consultation with and with the fullest agreement of the officers concerned. Of course, the circumstances under which this was done, have been dealt with by me at some length in my written statement.

To Court:-

Q. Who were the officers whom you consulted in the matter ?

A. The Chief Secretary was not in Lahore in those days. The I.G.P. was certainly consulted and possibly the Home Secretary.

Q. Did you put this matter before the meeting of the officers and are the minutes of the meeting available ?

A. I did put it before the officers, but I do not know whether there are any minutes of that meeting.

Q. Did any Ahrar leaders come to you before the Ahrar prisoners were released ?

A. It was a formal deputation which met me in my office, but I do not remember their names. The deputation was led by Maulana Muhammad Ali Jullundhri, but I cannot recollect the names of other members of the deputation. The deputation had waited on me on behalf of the Ahrar.

Q. What did they say to you ?

A. They said that it was never their intention to break the law or to do anything contrary to the formal directions of Government under section 144, etc., that the movement was an article of faith with them, and as regards certain constitutional issues it was their right to put them before the people and that they wanted to do them in a constitutional manner. They felt convinced that it was not only their political but also religious duty to protect the life, property dignity and honour of the Ahmadis and of all other people living in Pakistan, and were prepared to give me an assurance on these lines; namely; that while they were faithful to their political and religious objectives, they would not do anything which would embarrass the law-and-order situation in the Province. They also said that they would

issue a statement on these lines and the next day a statement to this effect was actually issued by them.

Q. Did any talk about the revision of the policy take place?

A. I did express the view that, if I were assured that law and order would not be disturbed and no provocation would be offered to the life and property of Ahmedis and other citizens of Pakistan, then I would not wish to continue any restrictions on the normal functioning of political life in the Province. What they said was that as far as these demands were concerned it was perfectly legitimate for them to place them before the Central Government and to convince them that they should be accepted.

To Court:-

Q. Was it understood that the Ahrar would continue their normal political activities ?

A. Yes, but they were not to do anything that would jeopardize law and order. /

Q. Was it implied that in the past their normal political activity was accompanied by acts which violated law and order?

A. On my side, it was implied, but I am not sure if they admitted so.

Q. Did Dr. Ishtiaq Hussain Qureshi meet you in Lahore in the third week of July 1952?

A. Yes.

Q. Where was it and what did he talk to you about Mir Nur Ahmad or about the activities of the Directorate of Public Relations or the Department of Islamiat ?

A. He had come here on tour. I asked him to have tea with me. It was a social function and was not an interview with any particular purpose. He very kindly accepted my invitation and had tea with me. The date, as far as I remember, was 19th of July 1952. We discussed various things including the Ahrar-Ahmediyye agitation.

During the discussion Dr. Qureshi suggested that personal influence be exercised over the press, and incidentally informed me that he had received complaints that Mir Nur Ahmad had either encouraged the writing of some articles in favour of the demands and the agitation or had himself written some articles under some other name. On my inquiry Dr. Qureshi told me that the complaint had emanated from Mr. Hamid Nizami. I told him that there was good deal of personal hostility between him and the D.P.R. and that this hostility might possibly be a basis for this complaint.

Anyhow, I told him that this was a very serious matter and that I would immediately look into it and in case there was anything in it, I would take action. He had no talk with me about the Department of Islamiat.

Q. Did you then have any talk with Mir Nur Ahmed ?

A. A few days later I called Mir Nur Ahmad. The occasion for it was that I wanted to use his influence with the newspapers and try to control their tone as far as possible. During the course of conversation I told him of the complaint that had been brought to my notice by Dr. Qureshi. He totally denied it and when I asked him about some other members of his staff, he denied that also. After that no such information came to my knowledge from any source and, therefore, I did not think any further action was necessary.

Q. Was any action then taken on the lines suggested by Dr. Qureshi in respect of the newspapers?

A. Yes. Contacts were established between the newspapers, which normally supported the Muslim League, and the D.P.R. and as a result of that at least three

newspapers, namely, the "Ehsan", the "Maghribi Pakistan" and the "Afaq" gave us an undertaking that they would in future black out this agitation. My information is that after that they did not do anything objectionable in connection with the agitation.

Q. Was some effort made in respect of the "Zamindar" ?

A. That paper was also contacted in the same connection but our persuasion was not successful.

Q. It is suggested that all these four newspapers were subsidised by the Punjab Government. Was that so ?

A. According to the policy of the Government, some assistance was given to some newspapers who generally supported the Government and the political party which was running that Government. The papers that were so assisted included the three I have mentioned and also included the "Zamindar".

Q. Why was not the contract for the purchase of copies of the "Zamindar" terminated if this newspaper did not desist from carrying on anti-Ahmadiyya propaganda ?

A. The aim was not to establish control over the entire

policy of the newspaper. In July or August neither the Punjab Government nor the Central Government had enunciated its policy with regard to the demands and so long as none of these papers went against any provision of the law, it was very difficult for the Punjab Government to take any punitive action against it.

Q. Was at any stage any such proposal put up before you by the Chief Secretary or the D.P.R. on which any such decision was solicited ?

A. No.

Q. When did you go to Karachi after meeting Dr. Guroshi ?

A. I went to Karachi about the 1st of March.

Q. Did you meet the Prime Minister ?

A. Yes. I met him soon after my arrival there. It must have been between the 1st and the 3rd.

Q. What did you talk with the Prime Minister at this meeting ?

A. Our whole discussion during this meeting was about the situation in connection with the agitation and the demands of the Khatm-i-Mubrawat movement.

Q. Khewaja Nazimuddin in his evidence before this Court

has stated as follows :-

"I brought to the notice of the Chief Minister of the Punjab the activities of the Directorate of Public Relations! He gave what appeared to be a plausible explanation, namely, that these newspapers depended for their circulation on the propaganda of some popular subject and that this kind of news increased their circulation and that the reason for supplying them with the articles was to regulate the tempo of the writings."

Is this correct ?

1. It is incorrect and quite illogical because after acting on the suggestion of Dr. Qureshi that I should try and use personal influence to have the subject blacked out, I could not go to the Prime Minister of Pakistan and tell him that it was a good thing for the Punjab Government to contribute to the newspapers articles in favour of the agitation when we were persuading them not to write anything whatsoever on the subject.

The explanation which Khwaja Nazimuddin considered ✓
to be "plausible" would not at all be plausible
but criminal.

2. Apart from what Khwaja Nazimuddin has stated, was it factually correct that the Directorate of Public Relations was supplying articles to the

newspapers to regulate the tempo of the writings ?

A. No. The Directorate of Public Relations could not have done any such thing, but if any member of the staff of that Department did any such thing in his private capacity, I would not know of it. If I knew, I would have taken stern action against him.

Q. You have told us that at this meeting you discussed the anti-Ahmadiyya agitation with the Prime Minister. What was the point of view of the Prime Minister ?

A. He did not express any definite attitude. He said that this was a serious matter and should be considered at a high-level meeting. He did not say anything very definite during the course of my interview.

A meeting was convened a few days later.

Q. Was this meeting held on the 7th and 8th of August?

A. Yes.

Q. Khwaja Nazimuddin has stated that at this meeting a unanimous decision was taken that the issue of the proposed communique of 14th August was sufficient to meet the situation. Was it so?

A. This statement would not indicate the true character of the decisions taken.

Different attitudes were taken by different participants in the meeting. One point of view that I shared was that it was impossible to take up any stand about the agitation or to control its law-and-order manifestations unless the policy of the Government with regard to the demands were clarified and that whatever be the difficulties or risks involved in taking such a stand, the clarification should be done forthwith because the first necessity of leadership is to give a clear and decisive lead to the people of the land. There was a contrary point of view that it would not be advisable to do anything very definite, that the ulams were a powerful factor in the country, that they seemed to be committed to support the demands and that it would be wrong to alienate them

especially when on the constitutional issue such close cooperation had been established between them and the leadership of the Central Government. At the same time there were very many risks of a political nature in the international contacts of Pakistan, in which an acceptance of the demands could lead to complications. Therefore, there were difficulties both in case of rejection and acceptance of the demands. The best thing was to let the situation remain as it was and not to precipitate matters in any way. Khwaja Nazimuddin was of the view that if he embarked on negotiations with the ulama, he was quite convinced that a via media would be found and that he would be able to persuade them not to create a law-and-order situation in the country and that the actual issues might be postponed for a considerable time, when other problems of the country have had a chance to improve. During the course of the discussion the gentlemen who did not agree to this view were quite firm in their stand. There were four or five such persons but in the end the consensus of

opinion was in favour of the course which Khwaja Nazimuddin wanted to adopt. In the meeting the interview which Maulana Akhtar Ali Khan had with the Prime Minister, in which the latter had held out a commitment that he would clarify the attitude of the Government about the demands on the Independence Day, also came under discussion. The Central Members expressed the view that it was not a prudent thing for him to have done, but that if he had given an undertaking, he should make up his mind and fulfil it. After further discussion it was decided finally that such a clear announcement of policy was not possible or politic and that, therefore, we should really avoid the issue by giving some sort of a sop to the people and that sop was the issue of the communique.

Q. While expressing your own point of view, did you inform the conference that since it had ceased to be purely an Ahrar agitation, the situation of law and order was bound to suffer unless the Central Government formulated a definite policy about the demands ?

A. Yes, and in that behalf the Minister for the

Interior was totally at one with me.

To Court:-

Q. What would you have done if you had been in the

Prime Minister's position.

A. If I were in his position, I would have sat down

and first decided the attitude of the Government to

the demands, whether to accept them or to

reject them. If it was decided to reject them,

the right course to adopt was to go to the people

with that point of view and try to convince them in

favour of it. If the people did not accept it, then

there was no necessity for us to stay in power and we

should have allowed others who could act according to

the wishes of the people, to take the reins of office.

Q. Would your personal view have been to accept the

demands or to reject them ?

A. It is a difficult question to answer. Neither any

political party nor any political leader

in the country, at least nobody who is in power or is

ever likely to come into power, has ever given

a clear point of view about the demands.

Q. At the conference, would your personal view have been to accept the demands or to reject them?

A. About that the position is that I alone could not have taken any decision on the subject.

One thing I was quite clear about and that was that the manner in which the demands were being presented, through agitation, through compelling the Government to accept them, and by setting through cultivating bitterness among the people, was wrong. No Government could yield to demands which were presented in this way and as a threat to the Government. As to the actual demands, I would accept an authoritative interpretation of Islam, but it would be very difficult for me to give such interpretation.

To Counsel contd:-

Q. What was the point of view of Khwaja Nazimuddin which he expressed at this conference regarding the right of the people to raise these demands and to hold meetings in favour of them?

A. Two things were made quite clear as a result of that meeting, and they determined our policy also later on. The first thing was that the mere fact of raising these demands could not be prohibited because they were constitutional demands. There were many people in the conference who said this. Secondly, any normal propaganda keeping within the bounds of law and order, in support of the demands, could not be prohibited. Thirdly, if anything was done during the course of work for these demands or there was propaganda for them which prejudiced the ordinary law of the land, then normal action was to be taken against such persons.

Q. What was the attitude of Khwaja Nazimuddin towards the Ulama who were sponsoring this agitation at the time?

A. He was always very favourably inclined towards them.

One of the reasons, of course, was that the country was embarked upon constitution-making and he was the leader of the party in power. During the course of constitution-making he had made very large and substantial concessions to the points of view of

the Ulama. He had held long deliberations with them and on most points, as far as I could judge, he had accepted the point of view of the religious leaders. I think his policy was to concentrate attention entirely on the religious issues in the constitution, so that by this concentration and by obtaining wide popularity in the country he might get through many other provisions of a non-religious nature, such as, the parity and the language issues, without exciting public opinion about them.

To Court:-

Q. Was he honest in his views or was he merely exploiting religious susceptibilities of the people for his own political ends, just as in the inquiry before us it is being alleged that the Ahrar and other classes of Ulama exploited religion for their own political ambitions ?

A. I have no reason to doubt the religious sincerity of Khwaja Nazimuddin,

Q. In that case he would have no indirect political motive ?

A. I am not suggesting that Khwaja Nazimuddin would take a political decision which ran counter to his

religious convictions, but if his religious convictions and politics led to the same result, that would be a very happy position indeed.

To Counsel contd.:-

Q. Is it a fact that the ex-Prime Minister was personally very much in favour of parity which was provided in the original B.P.C. Report ?

A. Yes.

Q. Was he similarly of the view that Urdu should not be the only national language of Pakistan ?

A. About this the position is somewhat different. In the beginning of 1952, Khwaja Nazimuddin made a speech in Dacca saying that in accordance with the behests of the late Quid-i-Azam, Urdu will be the only national language of Pakistan. This led to a strong agitation in East Bengal and the Provincial Government as well as the Central Government, in fact, completely yielded to that agitation. After that, I think, the general attitude of Khwaja Nazimuddin was to support the making of Bengali into one of the national languages of Pakistan and subsequently his policy was to achieve that end.

Q. Is it a fact that the proposed amendments to B.P.C. report by the All-Pakistan Ulama did not suggest any amendment on the questions of parity and language ?

A. This is my impression.

Q. Did you feel satisfied with the results achieved at the conference of 7th and 8th ?

A. No. I did not.

Q. What efforts did you make subsequently to persuade the Prime Minister to formulate some policy in regard to the three demands?

A. I made repeated efforts in that direction which are all mentioned in detail in my written statement.

Q. What was the object of your persuading the Prime Minister to take some decision on these demands? Was it to strengthen the hands of your Government to deal with the situation of law and order effectively or was it calculated to bring the Prime Minister to a head-on clash with the Ulama and thus to put him in an embarrassing position?

A. I was concerned with the question in two ways.

Firstly, I was the Chief Minister of the Province and as such was confronted with the law-and-order situation which was likely to deteriorate in my Province. It was my honest conviction, rightly or wrongly, that that the law-and-order situation could not be adequately handled without a clear policy by Government on the main subject. Secondly, I was a worker of the Muslim League organisation, which stood a trial before the people because, being the national organisation of the people of this country, it could not adopt a lukewarm or silent attitude towards issues which were exciting the emotions of a vast majority of the people. The Muslim League would be totally discredited if it did not come out with a clear guidance to the people on the subject, and, therefore, I was very much concerned that my party should not fail in this trial.

It was not my intention to bring Khwaja Nazimuddin into a head-on clash with the Ulama or to embarrass him. Nor could I have embarrassed him because after all, to accept the demands or not, was completely left to his own initiative and policy. I

was not suggesting to him that only one policy was possible. I was merely asking him to formulate some policy. he could have avoided the clash by accepting the demands or he could have fought it out by rejecting them.

Q. Were there any political or personal reasons which should have prompted you to embarrass Khwaja Nazimuddin?

A. On my side, certainly not.

Q. Was there any rift between the Centre and the Punjab Government?

A. I am not aware of any rift, though there were certain matters of policy in which there was difference of opinion.

To Court:-

Q. Were not you anxious to have Ministers of your own choice in the Centre?

A. No. I never made any attempt of this nature. ✓

I did not mention this subject to either the Prime Minister or anybody else. I did not use any political methods whatsoever, or pressure, to achieve any such end.

To Counsel contd:-

Q. Did you aspire to become Prime Minister or a Minister of Pakistan Government?

A. No. It is practically impossible in the present circumstances for any Punjabi in his senses to aspire to Premiership. Nor was I anxious to become a Minister.

Q. Were you personally opposed to Chaudhri Muhammad Zafarullah Khan, the Foreign Minister, and did you personally aspire or desire to get him removed from his office?

A. Absolutely no.

To Court:-

Q. Were you quite happy with Mr. Mushtaq Ahmad Gurnani?

A. I never had any political differences with him. Our personal relations were quite cordial.

To Counsel contd:-

Q. What political efforts did you make to meet the law and order situation in the Province?

A. They are given in detail in my written statement.

Q. Did you mention these efforts to the Prime Minister at any time? If so, what was the nature of the

discussion which you had with him?

A. There was a particular aspect of these political efforts which I made, and I mentioned this to the Prime Minister. In July and subsequently, I had made an effort to go out in the country and address largely attended public meetings in order to bring sanity and restraint to the people. In the course of these meetings, I specifically spoke about some of the demands of the Khatm-i-Nubuwwat movement and tried to put it to the people that while I was not competent to draw religious conclusions, I would like them to understand that in respect of the demand for declaring the Ahmadis a minority, very weighty arguments worthy of consideration could be advanced against it. I did this in my public speeches and my impression is that although when the audiences came to the meetings they were totally convinced that these demands should be accepted in toto and they were in a wild heat of enthusiasm, after they had listened to a reasoned speech, they were quite willing to see the other point of view. I particularly tried this in public speeches at Lyallpur,

Pasrur, Gujranwala, Rawalpindi, and ultimately at a very large gathering in Lahore. I also urged the people that, whatever their views on the demands, the demands being of a constitutional nature, must be considered in an atmosphere of sanity and restraint and no agitation with respect to them was called for. I felt that this plea also had some effect on the audiences. Now, on the basis of this personal experience, I went to Khwaja Nazimuddin on or about the 3rd of September, at Karachi, and told him that this was the sort of effort that I was making, and that although there was considerable risk of unpopularity in making such an effort, an honest politician had to face it. I suggested to him that perhaps if something like this were done under his direction by a large body of prominent men in Pakistan, including himself, we might be able to control the tenor and the bitterness of the agitation. The impression that Khwaja Nazimuddin gave me was that that was a dangerous thing to do and that the less I made such efforts at public meetings the better because it might be taken as committing the Government to a point of view with respect to the demands, which should be avoided.

Q. What main argument did you give to your audience in respect of the views that the demands should not be accepted?

A. I told them that they could not force the status of a minority on any community. It was a sort of protection that a small class could demand for itself. Under those circumstances, it would be a unique thing in the history of constitutionalism that we compelled a group of people, against their wishes, to accept the status or the consequence of being a minority. I enquired of them if it would not make us look ridiculous that, when we were a minority in pre-partition India, although we numbered ten crore, we demanded a separate homeland to secure our interests, but that now that we had obtained our homeland and were 99 per cent of the population, we were nervous of the remaining one per cent

wanted them to be declared a minority. What strange people we were that we could neither be secure as a majority nor as a minority. About the religious aspect, I could say nothing, but even if the Ahmadiis were non-Muslims, this demand of making them a minority did not follow and was politically not a wise thing.

To Court:-

Q. The argument used by you was political, but the demands are professed to be based on religion. Did not any one from among the audience or in an interview with you contend that the demand followed as a corollary from the politico-religious conception of State? ✓

A. My experience in this public meeting was very hopeful.

A very large audience was present. I was never questioned on this point.

Q. Did you ever discuss the demands with any leaders of the party which had put up these demands?

A. No. I did not really have a very detailed talk with them.

I remember that some time towards November or December 1952, a representative deputation of the Ahrar leaders, who were sponsors of the Khatm-i-Nubuwwat movement, came to see me. Qazi Ehsan Ahmad Shujabadi and Master Taj-ud-Din Ansari were in the deputation.

Q. Did they not tell you that these demands followed as a necessary result from an Islamic conception of State?

A. I did not have any detailed discussion with them on the merits of the demands, but, of course, I myself knew that the last contention taken by them was that they followed as a religious conclusion from the Khatm-i-Nubuwwat doctrine.

To counsel (continued):

Q. Did the agitation quieten down after the 21st of July 1952? If so, up to what period?

A. Yes, there was a lull in the movement after July or August,

because many more important questions had been occupying public attention, as for instance, the food situation, the general economic deterioration and recommendations of the L.P.C. report.

All this has been mentioned by me in detail in my written statement.

Q. Was the Central Government throughout informed about the situation of law and order and the tempo of anti-Ahmadiyya agitation by means of fortnightly and periodical reports ?

A. Yes.

Q. Did the Central Government send any directions or give any guidance to the Provincial Government on the subject?

A. I do not think so.

Q. On 24th of December 1952, five different files, containing speeches of actionable nature delivered in connection with this agitation, were put up before you at a meeting for decision. What decision did you take and why?

A. At the request of the officers concerned I called a conference on the 24th of December in my room in the office to consider these cases among other things and, in consultation with the officers and in full agreement with them, a

general policy was evolved that where a speech offended against the provisions of law, legal action should be taken, but beyond that it was not considered necessary to take action. This was in complete accordance with what the officers recommended.

To Court.

Q. If it had been decided to take action where the law was contravened, should we take it that these files were put up before you to take some other action?

A. No. The conference discussed many things. It was a conference of all the leading officers dealing with the law-and-order situation and various things were discussed about the Ahrar and the food situation. These files were presented and it was decided that legal action should be taken against such persons. I do not remember if any other action was suggested by the officers to which I did not agree.

Q. In the cases, which have just now been mentioned, was any action under the Punjab Public Safety Act suggested by any of the officers who noted on them or at the conference?

A. I am not sure about the notes, but at the conference no such suggestion was made which I turned down.

To counsel (continued):

Q. One of the cases, which were covered by the decisions taken at this conference was the one that arose out of some speeches made at the Gullu Shah Cattle Fair in Sialkot.

Was it decided that no action should be taken in respect of it?

A. No. That case was also covered by the general decision that action should be taken where the law had been contravened.

Q. Did you sign the B.P.C. report without any note of dissent?

A. I signed it subject to a note.

Q. What was the subject of the note?

A. Two of the members of the B.P.C. from the Punjab, namely, Sayyed Ali Hussain Gardezi and myself, said that we were signing it subject to the notes that we separately appended to it, which were at the same time sent to the President of the Constituent Assembly who assured me that he had received them. In that note, I made two points. The first was that, in my opinion, a unitary form of Government would be the one more suitable for Pakistan and the second, that the composition and powers of the two Houses of the Legislature should be reconsidered.

Q. Khwaja Nazim-ud-Din has said that you had agreed to parity and then resiled from it. Is that correct?

A. I have said that though I signed the report I differed from the proceedings which included parity.

Q. Did you say anything specifically about parity or did you state the amendments that you wished to suggest to the provisions relating to the composition and powers of the two Houses?

A. The Basic Principles Committee had been discussing various matters and various members disagreed, but no formal note was appended to any such proceedings. It was not considered formally necessary at this stage by any member to say as each measure was decided whether he had voted for or against it. Very many provisions of the B.P.C. had been passed by the Chairman's casting vote, but all this was not made clear, and during the B.P.C. proceedings it was made quite clear that all the members of the B.P.C. would be absolutely free to raise any objection to the provisions of the B.P.C. during the discussions of the Muslim League Assembly party. It was not reported that those who appended their signatures agreed with it from day to day. I took the precaution of

actually appearing this note.

Q. It has also been stated by Khwaja Nazimuddin that you agreed to parity and that you said so in a public speech delivered at the Dacca session of All Pakistan Muslim League.

A. The question of parity in the constitutional set of Pakistan was never discussed at the Dacca session of the Muslim League and, therefore, there could have been no question of my making a speech against it or in favour of it.

Q. How did the Prime Minister react to your opposition to parity and the language question? ✓

A. I think he was displeased with me.

Q. When did you next see Khwaja Nazimuddin after signing the B.P.C. report? ✓

A. On the 1st of January.

Q. Who brought Khwaja Nazimuddin to the Punjab? Was it at your request or did he himself want to come here? What did he expect from you when he came to Lahore?

A. At a meeting of the Muslim League Assembly Party at Karachi I made it clear to the Prime Minister and the other gentlemen attending that meeting that public opinion in the Punjab was very much.

hostile to parity and in this view I was supported by almost all the Central Ministers of the Punjab. Confronted with this view he called a high-level conference of the Chief Ministers, members of the Central Cabinet and some Governors. At that conference I put forward the point of view of the Punjab people as best as I understood it. It was supported by various persons, e.g. the then Governor of Sind and the Punjab Ministers. I think it was also supported to some extent by Sirdar Bahadur Khan. The Bengal members were keen that the B.P.C. report should be passed as it was. It was decided at this meeting that the Punjab view should first be ascertained and that for this purpose the Prime Minister and some of his colleagues should come to Lahore where I should arrange for the representatives of various parties to meet them and also that a meeting of the Muslim League Council should be arranged so that the point of view of the Punjab may be understood and efforts may be made to bring about some settlement. Khwaja Nazimuddin and Sirdar Abdur Rab Nishtar came to Lahore in this connection on or about the 10th of January, 1953.

Q. Khwaja Nazimuddin has also stated that you were briefing every deputation which met him? Is that correct?

A. No. I had my point of view which was unanimously held by the Punjab and if that point of view was repeated by the deputations which waited on the Prime Minister, there was nothing very surprising.

Q. When did Khwaja Nazimuddin come to Lahore after this visit?

A. He came on the 16th of February.

Q. Where were you on that date?

A. I was at Sialkot in connection with a meeting. I returned in the afternoon.

Q. When were the dates for this meeting fixed?

A. It was one of a series of meetings that I had arranged about a month earlier.

Q. Did you have any previous intimation of the visit of the Prime Minister?

A. I think I became aware of it on the 14th. I rang up the Prime Minister and told him about my programme. As I had to see him, I asked him whether I should cancel my programme or whether he could fix an interview with me after I had returned. He told me

that he would be busy during the earlier part of the day and that I could see him in the afternoon. I, therefore, completed my programme and was with him in the evening and had dinner with him at night in the Government House.

Q: Did you meet Khwaja Muhammad Safdar during your visit to Sialkot ?

A: Yes.

Q: In the course of his statement before this Court he has stated as follows:-

" On the same day Khwaja Nazimuddin, Prime Minister of Pakistan and President of the Central Muslim League, was to arrive in Lahore and it was publicly known that he would be received with black flags and a general strike. I asked Mr. Daultana whether he was aware of all that and whether he had issued any directions in this matter. He said that his relations with the Majlis-i-Ahrar and the Majlis-i-Amal were not bad and that the representatives of these parties had come to him a few days before and had apprised him of the programme that they had made for the reception of Khwaja Nazimuddin. He said that he had advised them to remain peaceful and not to come into clash with the Provincial Government

and that beyond this they were free to do whatever they liked."

Is this correct ?

Q. This conversation is not correctly reported by him, because it is absurd to imagine that I suggested that while the Ahrar were not do anything violent, they were welcome to stage black-flag demonstrations. I never said anything like that.

R.O.&.A.C..

Sd/-M. Munir
P r e s i d e n t.

18th January 1954.

Sd/-M.R. Kayani.
M e m b e r .

O R D E R.

Adjourned till tomorrow.

Sd/-M. Munir
P r e s i d e n t.

18th January 1954.

Sd/-M.R. Kayani
M e m b e r .

18th January 1954.

88th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President,

Hon'ble Mr. Justice M.R. Kayani,

Member.

-ooOoo-

Mr. Fazal Ilahi assisted by Mr. Ijaz Ali for the Punjab Government.

Mr. Asadullah Khan, Advocate, assisted by Mr. Ghulam Murtaza, Advocate, for Sadr Anjuman Ahmadiyya Rabwah.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Yaqub Ali Khan, Advocate, assisted by Messrs. Abdul Aziz and Said Akbar, Advocates, for Mian Muntaz Muhammad Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for the Juma'at-i-Islami.

Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-Amal, in person.

Mr. Faiyaz Ali, Advocate-General, Pakistan, for the Central Government.

.....

Witness No. 138 (As his own witness, continued):-

Statement of Mian Muntaz Muhammad Khan Daultana, ex-Chief

Minister, Punjab, on solemn affirmation, continued:-

To Mr. Muhammad Yaqub Ali Khan:-

You will recall that on the 22nd of January 1953, a notice of rast iqdam was served upon the Prime Minister of

Pakistan. Did the Punjab Government receive any official

intimation about it?

A. . No.

Q. . Did the Central Government give any instructions as to what their policy was and how the Provincial Government was to deal with the situation ~~if~~ if rast idam were actually put into operation ?

A. . No official instructions as far as I remember, were issued by the Central Government.

Q. . Did you talk to the Prime Minister on the 16th of February 1953 when he happened to be in Lahore?

A. . Yes..

Q. . Did he then give you any instructions as to how the Punjab Government was to deal with the situation ?

A. . The general situation was discussed and the Prime Minister was of the opinion that nothing drastic need be done. He felt that he could carry on negotiations with the representatives of the Ulama and was quite confident that a way out would be found. He also said that he was, under no circumstances, willing to precipitate what he called a head-on clash with the Ulama and that, in any case, he had the last card up his sleeve, that being the ijma'-i-ummat.. In other words, he would call a conference of the Ulama of the Islamic world

and obtain their opinion.

Q. Did you feel satisfied with the point of view of the Prime Minister?

A. I told him that the situation was becoming more and more difficult, and that although having an all-Pakistan bearing, fundamental decisions about it must ultimately be taken by the Central Government, something had to be done in the province. He was quite sanguine, however, that he would be able to persuade the Ulama and the sponsors of the movement not to take any drastic step.

Q. Did you approve the draft of the letter, Ex. D.E.328, dated the 21st February 1953, sent by the Chief Secretary to Government Punjab to the Central Government?

A. Yes.

Q. Was a conference convened in Karachi by the Central Government to consider the situation as arising out of the rast iqdam notice?

A. Yes.

Q. Were you called by the Prime Minister to attend it?

A. The Prime Minister rang me up — I think it was a day before the meeting — and said that he would like me also to attend the meeting. The Governor-General, in the meantime, was coming for an official visit to the Punjab.

For that reason and also because I was not very well in those days, I asked the Prime Minister whether it would be all right if an official representative of the Punjab Government at ministerial level were sent to Karachi to place the views of the Punjab Government before him. He agreed to that suggestion and Chaudhri Muhammad Hussain Chatha, accompanied by the I.G.P. and the Home Secretary, went to attend that conference by plane.

Q. Did you authorise Mr.Chatha to place the views of the Cabinet before the conference?

A. Yes.

Q. Does Ex.D.E.329 (Appendix 55 to your written statement), a memorandum written by Mr.Chatha, correctly represent the views of you Cabinet and Mr.Chatha's version of what transpired at the conference?

A. Yes.

Q. Where is Mr.Chatha these days ?

A. At Dacca in connection with the meeting of the Central Parliamentary Board of the Muslim League, of which he is a member.

Q. Was a conference of officers held at your residence on the evening of the 27th February and who were the officers who

attended it?

A. My impression is that there were present Chaudhri Muhammad Hussain Chatha, the I.G.P.; the Home Secretary and, I think, also the Chief Secretary, the D.C., and the S.G.P., Lahore.

Q. What transpired at this conference?

A. I was given a resume of the discussions in Karachi and the decisions taken at that conference. At this meeting, it was decided that all the decisions taken at the Karachi conference must be implemented forthwith and suitable instructions issued in that connection. Then also certain other matters, arising out of the question of handling the situation which concerned the Punjab Government, were also considered and suitable decisions taken.

Q. You will recall that one of the decisions taken in the Karachi conference was that no volunteers should be allowed to proceed to Karachi. Was this matter also discussed at this meeting?

A. Yes, this was one of the decisions taken at the Karachi conference and it was to be implemented as all other decisions that had been taken there.

Q. Was the draft of letter, Ex.D.E/192, put up before you for approval?

A. It was a part of the implementation of the decisions taken by

our meeting.

Q. Did any discussions take place as to how the District Magistrates were to deal with the situation in their respective districts?

A. The instructions given were that the situation had to be handled firmly and all necessary steps to that effect taken. What actual steps were to be taken in the developing situation, of course, was to be left to the District Magistrates.

Q. Were they at all to make any reference to the Punjab Government for imposing restrictions under section 144 ?

A. No.

Q. Not even the District Magistrate of Lahore?

A. No.

Q. Was it decided that, apart from the persons specified in the letter, no other persons were to be arrested?

A. I do not think we specifically took any decision at the time that no further arrests were to be made, unless it was absolutely necessary.

Q. Was the letter drafted at your residence or at some other place?

A. This letter was not drafted at my house.

To Court:-

Q. Was the feasibility of promulgating an order under section 144

to stop the gathering and entraining of volunteers at Lahore and other places for Karachi discussed at this conference?

No.

If one of the decisions taken in Karachi was that no volunteers should be permitted to proceed to Karachi, why was not any step taken to prevent the volunteers from leaving for Karachi from Lahore and other districts in the Punjab?

My function as Chief Minister was to decide the policy that the decisions taken at the Karachi conference were to be implemented. As to the manner in which administrative action necessary for implementing those decisions was to be taken was a matter that would be left to the officers to decide.

One of the decisions taken at this conference was that information about volunteers who left Lahore should be sent to the Sind as well as to the Karachi Police so that arrangements for their arrest en route could be made. What did this decision mean?

The position was this. Efforts were to be made to see that volunteers from the Punjab did not go outside the Punjab. Now, of course, volunteers were likely to entrain at various places. It was possible that the Punjab Government might have known that from some place volunteers had

managed to go to Karachi and had not been stopped.
 Then this information also was to be conveyed to the
 administration so that they should be warned. This
 is how I understand the decision.

Q.. Why were not instructions issued that volunteers
 leaving for Karachi were to be arrested at stations
 of origin?

A.. It was really not my concern to go into these details.
 It was, no doubt, for the officers to decide as to
 what would be the best way of stopping volunteers from
 going outside.

To counsel (continued):-

Q.. Were any minutes prepared of this meeting?

A.. I do not know.

Q.. Please see the minutes drawn up by Mian Anwar Ali and state
 if they were placed before you subsequently?

A.. It appears that these were not placed before me before
 the letter on the basis of these minutes was issued.

To Court:-

Q.. Do they rightly represent the decisions actually taken at
 that conference?

A. I do not know that this document exhaustively recites all the decisions taken at the conference.

To counsel continued:-

Q. It is stated that on 2nd March you gave directions to the I.G.P. that volunteers going to Karachi should not be arrested. What was the correct position with regard to these instructions? ✓

A. On the 27th February a clear decision was taken in my presence that volunteers should not be allowed to proceed to Karachi. In pursuance of this decision, a signal was issued to the S.Ps. concerned. On the 2nd March I did not at any stage give any instructions to the I.G.P. that volunteers should be allowed to proceed to Karachi. What was desired was that in the first instance persuasion should be used to ask the volunteers not to proceed either to Lahore or to Karachi but that if these methods failed, it was advisable not to arrest them in big towns as this might create further excitement, but to intercept them on the way between Lahore and Lodhran. I recollect that on the 2nd evening I told my Private Secretary, Mr. Zakir Qureshi, to convey this decision to the I.G.P. It appears that ✓

this message given by my Private Secretary created some confusion. The I.G.P. used to meet me frequently during those days and it would have been in the fitness of things if before issuing any such signal he had discussed the matter with me. On the 4th the Home Secretary came to me and told me that some District officers had rung him up to say that the signal issued by the I.G.P. had created some confusion as to how the volunteers proceeding to Karachi were to be handled. I asked the Home Secretary to issue clear instructions that under no circumstances should volunteers be permitted to proceed to Karachi. Therefore, in continuation of the signal of the 1st, a further signal was issued making the position unequivocal.

To Court:-

Q. If persuasive methods failed, what provision of law was to be used to prevent the volunteers from proceeding to Karachi?

A. It was for the officers on the spot to consider how they could be stopped.

Q. Did you expect persuasive methods to succeed?

A. In some cases they would have succeeded.

To counsel continued:-

Q. Please look at the note of Malik Habibullah, Ex.D.E.191, and say if it correctly represents the suggestions which you made to the I.G.P.?

A. No. My instructions would have been correctly reproduced if it had been recorded in this note that persuasive methods should be employed to cause volunteers to desist from going to Karachi but that in case these methods failed, they need not be arrested in big towns but intercepted at a later stage of the journey.

To Court:-

Q. Did you initial this note on the 9th of March?

A. Yes. By that time the whole situation had been finally settled and there was no confusion and it was unnecessary to point out the mistake.

To Counsel continued:-

Q. Was it also for the reason that it was not a decision of the Government that you did not point out the mistake on the 9th of March when the note was put up to you for initials?

A. Yes.

Q. What is the meaning of decision No:2 taken in the conference held on 5th March?

A. As I understand it, the decision was that the police should, in the first instance, take very strong action and use full force to control the situation and that military should also

be available and should be employed wherever necessary.

To Court:-

Q. Was it to be employed by the police?

A. I do not know the technical details, or how the military are employed. The intention was that the military should come in full force to support the civil authorities.

To Counsel contd:-

Q. The military were already in the town since

the 3rd morning. What was the intention behind

this decision — to restrict the use of the

military or to increase their support?

A. Naturally to increase the support to the

police. On the 4th night the police officers

and the officers in charge of law and order

came to my house at about 11 p.m. and gave me

a resume of the situation. They then went away.

I revolved the situation in my mind and at about

12-30 a.m. again called them to my house and

told them that I was not fully satisfied that all the

necessary arrangements had been made to meet the

situation. We sent for the G.O.C. also. I said

that the army should now fully support the civil

authorities. It was with this background that

a few hours later the meeting at the Government

House took place. It was, therefore, understood

that the military were to take a fuller share

than they had hitherto taken.

Q. What is indicated by the words "Police patrols will be supported by military contingents under their own commanders"?

A. My impression was that everything possible had been done in that conference to bring the police and the military in liaison and that there was to be a perfect understanding as to how the two forces were to cooperate.

Q. Did the I.G.P. or the G.O.C. on 5th or 6th morning inform you that it was necessary to hand over any particular situation or the whole town to the military in accordance with these decisions?

A. On the 5th nobody suggested this. On the 6th, in the morning, the G.O.C. told me, at some stage, that the situation was such that the only way to deal with it now was to give it over to the military. This was at about 10 or 11 a.m. Nobody made any suggestion earlier.

Q. Was any conference held in the Government House on the 5th evening? ✓

A. What is necessary to realise is that we were continuously present at the Government House on the 4th, 5th and 6th

and in that way it was a continuous conference from the 4th onwards. It, therefore, becomes difficult to say when one meeting ended and the other started. I think a meeting was held on the evening of the 5th, but I do not think any particular decision was taken.

Q. Was any decision taken to relax firing contrary to the decision of the 5th morning?

A. No.

To Court:-

Q. Did anyone there say anything about a let-up in the firing?

A. There was no decision taken to let-up the firing.

A report was given by the officers as to what was happening in the town. At that stage one of the officers wanted to know what should be done about technical offences by individuals against the curfew order. Then, I think, the H.E. gave some instances of his own experience in other places and said that such offences should not be taken notice of.

Q. Do you remember if this expression "let-up" was

used by anyone in the course of the discussion?

A. I do not think so. ✓

Q. What was the exact time of this meeting?

A. After maghrib prayer. .

Q. Was the Governor present? ✓

A. My impression is that he was.

To Counsel contd.:-

Q. Was any decision taken that the police would not open fire except in self-defence?

A. No.

Q. Did the S.S.P., Lahore, the D.M., Lahore, the I.G.P. and other officers meet you frequently after this decision till the time martial law was declared?

A. Yes.

Q. Did anyone bring it to your notice that somehow or other the police were labouring under the confusion that they were not to open fire except in self-defence?

A. No.

To Court:-

Q. Did the District Magistrate use to see you

frequently during the disturbances for instructions?

A. No.

To Counsel contd:-

Q. Did anyone of your officers give you some advice on 6th morning as to how the situation was to be dealt with?

A. The situation on the 6th was chaotic and I went to the Government House quite early at about 8-30 or so. The I.G.P. came with the S.S.P. and saw me there. The S.S.P. gave me a description of the situation, and said that perhaps the only way to handle it would be to make some sort of a political approach to the people.

Q. Did you then think of issuing some kind of statement?

A. The situation developed and it seemed really quite out of control. The people seemed to be in a mad frenzy and there was complete confusion. At that stage I felt that it may be necessary to take a desperate decision. In

that context alone it would be possible to understand the statement of 6th March. The whole town appeared to be in revolt. All the services had been disrupted the telephone was cut off, the electricity was cut off, the water supply was cut off and the entire staff of Government seemed to have struck work and to be moving about in open revolt.

In those circumstances a great deal of responsibility lay on me and I felt that there were only two alternatives. One was to immediately hand over the situation to the military and the other was to try to control the feeling amongst the people. About the first alternative, we had received instructions from the Central Government at about the same time that every possible effort should be made to avoid imposing martial law.

I also realised that wide implications it would have, both national and international. Everyone would have tried to avoid that situation if possible. I was also not sure in my mind that even martial

law would meet the situation without much bloodshed. It is, of course, true that later on the situation was controlled without much loss. But my impression was that even with the army coming in, the people were in such a mad frenzy that there would be a large scale massacre. At that stage, when I spoke to my officers, all of them agreed that effort should be made to calm down the passions of the people, and it was then that I thought perhaps it was necessary to make a political approach. I, however, take the fullest responsibility for having issued the statement.

To Court:-

Q. What do you mean by a "political approach"?

A. Because the object of it was to deal with the people by persuasion and not by force.

Q. Who were the officers consulted when the appeal was issued?

A. The Home Secretary, the I.G.P., the D.I.G., the D.C., and the S.S.P., were all present. I am

not sure about the Chief Secretary. I mentioned

it to them that I was going to issue the appeal and

they seemed to agree. Not one of them dissented.

Q. Were they made fully aware of the substance of the appeal?

A. Yes. In fact the substance of the appeal was drafted by the Home Secretary on the lines suggested by me. ✓

Q. You have said that on the morning of the 6th March, the S.S.P. told you in the presence of the I.G.P. that the only way left now was to make a political approach to the situation. Did he suggest what the contents of that political approach should be?

A. No.

Q. Did the S.S.P. complain that the instructions issued on the previous evening about relaxation in firing had been creating difficulty and confusion for the police?

A. He never mentioned any such thing to me.

Q. Did any one of the civil officers tell you that the civil authorities could still control the situation by use of further force?

A. No. In fact, it was quite clear to me, purely on the law-and-order side, that the only way to control the situation then was to hand over the city to the military, for hitherto the civil authorities had full assistance from the military and had not been able to control the situation.

Q. Did you at any stage receive a complaint that the military were not cooperating with the civil authorities? ✓

A. No specific complaint was made to me, but I had a

feeling in my mind on the morning of the 5th that complete liaison was lacking; for instance, on the 3rd or 4th March it came to my notice that the military had withdrawn their patrols from the city. It was also said that while slogans were being raised against the police they were raised in favour of the military.

Q. Did you consult the members of your Cabinet about the issuing of the appeal?

A. Yes and there was complete agreement.

Q. Did you consult the Prime Minister?

A. I rang up the Prime Minister before the draft was ready and gave him a resume of the situation. This resume was confirmed by the Governor on the same telephone and at the same time. After the Governor had spoken, I told the Prime Minister that in those circumstances there was no alternative but to issue the appeal and I gave him an idea of the sort of the appeal that I had in mind. He asked me how long I could wait for an answer. I told him the situation was desperate and apart therefrom it was not certain that we could get a telephone call booked again. He asked me to wait and I waited till the line

was cut off.

To counsel (continued):-

Q. Did he tell you that you should not issue the statement until you hear from him?

A. No. ✓

Q. What time did you ring up Mr. Mushtaq Ahmad Gurmani?

A. Very early in the morning the same day.

Q. Did you ask him to come over to Lahore?

A. Yes. I suggested to him that he should reach Lahore before Friday prayers, so that we might have his guidance. He said, he had a Cabinet meeting at about 9 and that he would put the matter before the Cabinet.

Q. Where was the draft of this statement prepared and who were the persons present at that time?

A. In the Governor's office where we were all congregated. I had asked the Home Secretary to prepare it. He had gone out and returned a short while later.

Q. Were the Governor and the Ministers present when you approved the draft?

A. My impression is that they were present.

Q. Did the Governor disagree with you or suggest that the appeal should not be issued?

A. No.

Q. The Central Government had decided on the morning of the 27th February that the demands were not to be conceded.

Can you then tell us why you issued the statement?

A. By the 6th of March, the situation had so altered that I honestly felt that this was the only remedy left for us to save Lahore. ✓

Q. Why did you then issue the statement of the 9th March?

A. Because the object with which the statement of the 6th March was issued had not been accomplished.

Q. Why did you eventually resign the office of the Chief Minister?

A. The real reason is that Khwaja Nazim-ud-Din was anxious that I should resign. The reason for his anxiety was that there were differences between us over the constitutional set-up. He thought that I was the only obstacle in his way to reach a decision on the parity question. I actually resigned on his express direction as I was subject to his discipline in his capacity as President of the Pakistan Muslim League. ✓

Q. What was the attitude of the Prime Minister after the differences arose between you and him on the parity question?

A. After my note of dissent Khwaja Nazim-ud-Din had been making efforts to weaken my position in the Punjab by direct contact with members of my party. ✓

Q. Did you own any share or interest in the "Afaq"?

A. No.

Q. Did you make a contribution of Rs.5,000/- to this paper?

A. I made no personal contribution. In or about May 1951 some Muslim League workers of Lyallpur gave me a sum of Rs.5,000/- specifically to be handed over to the "Afaq" in lieu of its services to the cause of the Muslim League.

Q. Mr. Sarwar, former editor of the "Afaq" has stated in this Court that he used to visit you every month and discuss the affairs of the "Afaq" with you. Is this correct?

A. No. He came to me occasionally but not particularly in connection with the affairs of the "Afaq".

Q. When did you first ask Dr. Ishtiaq Hussain Qureshi that he should give you an officer of the Ministry of Information to replace your D.P.R. ?

A. I asked him for the first time perhaps in March, 1952, that we wanted a more capable officer.

Q. When did you last ask him for an officer to take

the place of Mir Nur Ahmad ?

- A. It must have been in July, 1952, when I met him in Nathiagali.

(Note:-

Statement of the witness recorded yesterday in the proceedings relating to the habeas corpus petition of Mr. Ibrahim Ali Chishti is transferred to the record of the Inquiry.)

- Q. The District Magistrate of Lahore has stated that he made a proposal that Maulana Abdus Sattar Niazi should be arrested from inside the Wazir Khan Mosque but that his proposal was turned down. Is this correct?

- A. I do not now recollect as to who made the proposal but it was discussed with the officers present in the meeting held on 4th March and decided that he should be immediately arrested wherever he was because he had suddenly come into prominence and had assumed leadership of the agitation in Lahore.

- Q. The District Magistrate, Lahore, says that while his proposal was that Maulana Abdus Sattar Niazi should be arrested forthwith and from the mosque, the decision that was actually taken was that he should be arrested only after he left the mosque, it being implied that he would not be arrested immediately. Is this correct?

- A. I think it was clear that he was to be arrested immediately wherever he was.
- Q. Was it brought to your notice that no restrictions under section 144 had been imposed in Lahore on 28th February and 1st March and that eventually when those restrictions were imposed on 2nd March, the walled area of Lahore was excluded from its operation?
- A. The imposition of section 144 in Lahore or anywhere else did not concern me. This was a decision entirely within the competence of the district officers. I was never consulted about these matters and it was not necessary to consult me. Had I been consulted, I could not have given any real guidance because this was a technical matter with which the officers themselves were best acquainted.
- Q. In certain files it appears that some notes put up to you by your Secretaries were only initialled by you. What does this procedure indicate?
- A. There are different types of files. Certain files deal with policy matters in which the officers concerned solicit or suggest a decision to be taken. In all such files the action that I had to take

was of the following nature:-

- i) I was to give my decision on the file; or
- ii) I was to indicate a method by which a decision should be arrived at, for instance, through the holding of a conference of the relevant officers on a particular date, etc.; or,
- iii) I was merely to initial the file where in some policy matter the officers had recommended a precise decision and I agreed with that decision. That indicated my acceptance of the decision which was then to be implemented.

Apart from these policy files, there was a large number of papers that were put up to me daily in my capacity as a Minister, purely for my information, and I initialled them as an indication of the fact that I had read them.

Q. Are the portions sidelined as:

- "A" in the statement of Qazi Murid Ahmad,
 - "B" in the statement of Mr. A.R. Shibili,
 - "C" in the statement of Mr. Hamid Nizami,
 - "D" in the statement of Khwaja Nazimuddin, and
 - "E" to "N" in the written statement of Maulana Akhtar Ali, Ex.D.E.19,
- correct?

A. No.

Q. On what occasions did the Ulama, who were sponsoring the agitation, meet you and what did you tell them on these occasions?

A. They met me thrice. First, probably on the 18th July, 1952, an official deputation of Majlis-i-Ahrar came to me. The details of this interview have already been mentioned by me. I am not quite sure about the date of the second interview. Probably it was on 29th September 1952. Qazi Ehsan Ahmad Shujabadi, Master Taj-ud-Din and one or two other gentlemen came to my office and presented to me some memorandum relating to certain demands. The third occasion was on the 13th of February 1953, when Maulana Abul Hasanat, Master Tajuddin and Maulana Akhtar Ali Khan saw me at my residence. This interview was held on the suggestion of Mr. Anwar Ali, Inspector-General of Police.

Q. Did you tell the Ulama on any of these occasions that they should intensify the agitation and press their demands against the

Centre and make Karachi the venue of their activities?

- A. No. I did, of course, tell them that so far as the demands were concerned, their decision rested with the Central Government.
- Q. What was the general sense of the League Council which had met in Lahore on 26th and 27th July?
- A. My impression is that the overwhelming opinion of the Muslim League Counsellors on that occasion was that the demands of the Khair-i-Nubuwat movement should be accepted forthwith. I, however, made a very lengthy speech and, I think, it was as the result of that speech that I was able to dissuade the Council from taking that decision and to accept the resolution which was ultimately passed.
- Q. Did you see the comment on your speech made by Mirza Bashiruddin Mahmud Ahmad, as reported in the "Alfazi" of 29th July?
- A. I saw his comments in the Civil & Military Gazette.

Q. How does the circumstance that the Central Government and the Provincial Governments are formed by the Muslim League affect the relations of the Central Government with the Provincial Governments?

A. A policy is formed by the Central Government and it has to be accepted by the Provinces.

Q. Is it a fact that the agrarian reforms which you introduced in the Provincial Assembly were first approved by the Central Muslim League party?

A. The policy of agrarian reforms was first formulated by the Central Muslim League and it was in pursuance of that direction that steps were taken in the Provincial sphere.

Q. What have been your personal relations with Hamid Nizami?

A. He is the editor of a newspaper which has consistently and almost venomously followed a policy of personal hostility to me.

To Mr. Nazir Ahmad Khan, on behalf of the Jama'at-i-Islami:

Q. Is it true that in the meeting of the 5th afternoon at the Government House the one unanimous point urged by the speakers was that there was a mounting rage among the public about indiscriminate firing by the police?

A. A very large section of the speakers in that meeting made the point that throughout there had been unrestricted firing in the city which was leading to great exasperation among the the people. They said that the police were to blame for firing. I remember that two of the speakers, namely, Mr. Abu Said Anwar and Mr. Ahmad Saeed Kirmani, said that the police were perfectly justified in resorting to firing and they cited some examples from their own personal knowledge to prove what they said.

Q. Did Maulana Maudoodi make a speech?

A. Yes.

Q. Did he suggest that in the circumstances of the situation the best policy to adopt would be to assure the public that the authorities were prepared to open negotiations with the sponsors of the movement with a view to coming to a settlement?

A. Yes, but his suggestion did not finish here. He further suggested that people should know what was happening during the negotiations and what each party was proposing, so that people could judge for themselves which party was in the right.

To Court:-

Q. Did he say anything about a civil war being on?

A. He said that the present position, if persisted in, would lead to what may amount to civil war between the Government and the people.

Q. Did he say that a civil war was on?

A. I cannot recollect the exact words, but my impression is that he was stressing the urgency of the situation.

To counsel (continued):-

Q. Was this view of the Maulana later conveyed to the Central Government by His Excellency the Governor?

A. Maulana Maudoodi made a draft of the statement which he thought should be issued. I believe that the substance of the draft together with the background of Maulana Maudood's argument was conveyed to the Prime Minister over the telephone by the Governor.

Q. Do you know how the Prime Minister reacted to this proposal?

A. I have no idea.

Q. Did you see the draft yourself.

A. I did see it, but I do not remember the exact words.

Q. What was the substance?

A. That the Government were prepared to open negotiations

in respect of the demands with the leaders of the Khatmi Muburwat movement and that the public would be kept informed of the negotiations, so that they might be in a position to judge for themselves the rights and wrongs of the situation.

Q. Maulana Maudoodi says that he sent two telegrams to the Prime Minister on the 4th and 5th March and the Prime Minister said in his evidence that he had passed them on to the Provincial Government. Did they come to your notice?

A. I have no recollection.

Q. What was your view with regard to Maulana Maudood's suggestion?

A. It was never considered by us at the Provincial level.

Q. What was your personal view?

A. My impression on the 5th evening was that the situation in Lahore could be controlled and that until it became normal, negotiations ~~should~~ not be opened.

Q. Was the Chief Secretary always in your confidence on the 4th, 5th and 6th of March?

A. Yes.

Q. Who were the persons from among the public men who were present at the Government House on the morning of the 6th March?

A. They were some of the M.L.As. and Councillors of the Lahore Corporation.

Q. Did you discuss with anybody from amongst these notables the idea of making the appeal that you finally issued letter on the 6th March?

A. It is possible that I might have discussed it with some of those present, but no formal talk took place.

Q. What happened between the evening of the 5th and the morning of the 6th March that caused you to alter your opinion about the situation?

A. A marked deterioration became noticeable from the early hours of the 6th March.

Q. When the telephone was cut off while you were speaking to the Prime Minister on the 6th March, was no alternative mode of communicating with him available?

A. About an hour or so later we were able to make use of the military telephone.

Q. Did you apply your mind to making over the situation to the military on the 5th of March?

A. On the 5th we did not feel that the situation was so bad, though it was worse than on the 4th.

Q. Was this also due to the fact that the Centre had told you not to introduce Martial Law?

A. Yes.

Q. When were you first told by the Centre that they did not wish Martial Law to be imposed?

A. The communication was issued on the 5th March but I received it early on the 6th. ✓

Q. When you broached the subject of intended appeal to the Prime Minister on the telephone, did you think that the Centre would agree to it?

A. I conveyed my opinion to the Centre and I was waiting for their views. For the reasons already given, I could not receive their views.

Q. Would you have issued the appeal if the Centre had not agreed with you?

A. I would have been very reluctant to oppose a clear direction of the Central Government though I would have tried to argue with them against their view.

Q. Did you also mention this intended appeal to General Azam or any of his commanders?

A. No. I am not even sure that General Azam was present at the Government House.

Q. Do you agree that the District Magistrate and the S.S.P. in Lahore, in view of the fact that they are immediately placed under other superior officers, cannot take independent action?

A. I do not agree and I do not see why their duties should be different from those of the District Magistrates and Superintendents of Police of other districts.

Q. Do you know that there is a convention in Lahore that on such occasions the District Magistrate and the S.S.P. consult their senior officers?

A. This was the first law-and-order situation that I had to face. I would, therefore, not be aware of any such convention.

To Court:-

Q. Do you think that it would be proper for the District Magistrate of Lahore to impose section 144 or take any other similar step without first consulting the Commissioner, the Home Secretary or the Chief Secretary?

A. I think their advice would be available to him if there are any doubts in his mind.

Q. Were you consulted when an order under section 144 was promulgated in Lahore just after a meeting of the councillors of the Provincial Muslim League in 1952 ?

A. I do not think so.

To Maulana Murtaza Ahmed Khan Maikash, Member, Majlis-i-Amal:-

Q. Who drafted the resolution which was ultimately passed by the council of the Punjab Provincial Muslim League on 27th July 1952?

A. The Working Committee.

Q. Who was the author of this draft?

A. I had a large part in its final drafting.

Q. If, as you have said that the preponderance of opinion of the councillors was in favour of the acceptance of the demands, why did you then pass such a vague ("go mazo") resolution?

A. The councillors were originally in favour of accepting the demands but after my speech they changed their mind. The resolution is not vague.

Q. If you had not diverted the councillors from accepting the demands, would not the movement have taken a normal constitutional course?

A. No. The Provincial Muslim League Council was not

competent to give an opinion about the demands.

To Court:-

Q. Could not the council of the Provincial Muslim League communicate their own opinion to the Central Muslim League by means of a resolution accepting the demands?

A. That could have been done but at that stage it would not have been the right course to adopt because these demands had not been considered fully and in a proper atmosphere of calmness and any decision of this nature would have embarrassed the Central body in coming to a decision.

Q. Should we take it that your own view was against the demands?

A. At that stage I had not given full thought to the demands. There were doubts in my mind as to whether or not the demands should be accepted.

To Maulana Maikash continued:-

Q. When you instructed the Punjab representatives who attended the conference in Karachi on 26th and 27th February that the "Rast Iqdam Movement" was to be opposed, was it because you considered the demands to be preposterous?

A. The attitude taken by the Punjab Government had nothing to do with the merits of the demands. It had

reference only to law and order.

Q. What led you to think that the Rast Iqdam Movement would lead to civil disobedience?

A. It was very clearly stated in the notice given to the Prime Minister that if the demands were not conceded, "direct action" would be resorted to and to me "direct action" implied civil disobedience.

Q. Did you, when you communicated your own views to the Central Government by means of a statement published on 6th March, not feel that you were discharging your debt to the "country" rather late in the day?

(The word "country" has been used here with the full consent of Maulana Maikash and with all its implications.)

A. It was made under the pressure of the circumstances. Even then the position that I took was that only the Centre could consider the demands, not the Province.

Q. Did you, as announced in the appeal, meet the leaders of the movement?

A. No.

Q. Did you promise to a deputation of the Wajlis-i-Amal on the 29th September, 1952 that the complaints regarding Rabwah would be investigated?

A. What I told them was that I could not treat the Ahmadis and other citizens on a different footing but that the complaints would be considered on their own merits. I think I marked the representation to the officer concerned.

Q. Can you say on what conditions and at what price the land at Rabwah was sold to the Ahmadis?

A. That must be known to the authorities.

Q. Did you help the head of the Ahmadiyya community and Chaudhri Muhammad Zafarullah Khan in their efforts to obtain the land at Rabwah for Sadr Anjuman Ahmadiyya?

A. I was not concerned with this at all.

Q. Had not the Punjab Government rejected the

proposal to settle the refugees district-wise?

A. I was a Minister in the Punjab Cabinet headed by the Nawab of Mamdot from August 1947 to April 1948. I was not in charge of the portfolio of Refugees or of Resettlement. This matter did not directly concern me and so I have no clear recollection if at all or when such decision was taken. I know, however, that the proposal to settle the refugees on a district-wise basis was not accepted.

Q. You have said that Khwaja Nazimuddin was sincere in his endeavours to bring about an Islamic constitution. What was your own view about the intentions of the Ulama who were demanding such a constitution?

A. The same answer applies to the Ulama.

Q. Did the Ulama take sides on the parity or the language question?

A. As far as I am aware, they did not.

Q. You have said that you gave weighty arguments while addressing public meetings against the demand that Ahmadis should be declared a minority. Do you know

the reasons given by me in reply to your arguments, in the "Azed" dated 11th September, 1952, marked Ex.D.E.330?

A. I did not read that article.

Q. You have given in your written statement "vague religious basis of national ideology" as one of the causes that led to the disturbances. Can you give a more definite basis of national ideology?

A. I did not mean to say that religious ideology itself is vague. What I meant was that vague conclusions might be drawn from it.

Q. You have used the words "mulla" and "mullaism" in several places in your written statement. Some of the officers who have given evidence here have attempted to define these terms. Could you give us your own definition of "mulla" and "mullaism"?

A. I have always used the words with extreme respect. Nowhere in my statement have I used them in any contemptuous or derogatory sense. By mulla I meant a person who was versed

in Islamic theology.

Will you call the following as instances of mullaism:-

- (1) The Objectives Resolution.
- (2) Insistence on the head of the State being a Muslim.
- (3) The idea that no law in this country should be opposed to Qur'an and Sunna.
- (4) Emphasis on the doctrine of Khatm-i-Nubuwwat.
- (5) Demand for the dismissal of a Minister on Islamic grounds.
- (6) The declaration that Islam does not permit:-
 - (a) distilling of wine (maikashi) (it may be interesting to state that the cross-examiner is himself "Maikash"),
 - (b) drinking,
 - (c) gambling,
 - (d) indecency (fawshish),
 - (e) all activities included in the general term of "lahw-o-la'eb", for instance, playing cards, flying kites, etc. ?

Many persons who deserve to be called mullas believe in what is stated above, and many persons who cannot be called mullas also agree with these principles. It is, therefore, possible that there are many persons who are mullas but who do not agree with the principles stated or do not in

their life practise them.

Q. Will not the future historians describe what happened in Lahore on the 5th March as a general massacre?

A. I do not think so.

Q. You have stated in your evidence that no important political party or political leader has so far expressed his views on the merits of the demands. Do these parties and leaders who have kept silent claim to be leaders of the people?

A. This question is for the people to decide.

To Sahibzada Faiz-ul-Hasan, on behalf of Mailis-i-Ahrar:-

Q. Can you define the dividing line between religion and politics?

A. I am not competent to answer this question.

Q. Then what did you mean when you said in your written statement: "neither can they (the Ahrar) escape from the charge of exploiting an explosive situation for political purposes"?

A. It does not mean that the Ahrar used religion for an ulterior object, but what is intended to be conveyed is that they desired to take advantage of the explosive situation to install themselves into power.

To Mr. Asadullah Khan, Advocate, on behalf of Sadr Anjuman-Ahmadiyya, Rabwah:-

Q. Can you recall that a deputation of the Ahmadiyya community, consisting of Maulvi Abdur Rahim Dard, Sh. Bashir Ahmad, advocate, Mr. Ghulam Murtaza, Barrister-at-Law, and myself, waited upon you on the 24th of February 1953 at your residence?

A. Yes.

Q. Is it correct that the deputationists brought to your notice the fact that a great deal of agitation was being carried on against their community, especially in a virulent form in the Urdu press, for over a year?

A. I cannot say what exactly was said, but the deputation met me in connection with the agitation and the apprehensions that the members of the deputation had in connection with their community resulting from that agitation.

To Court:-

Q. Did they say anything about the press?

A. They might well have said.

To counsel (continued):-

Q. Is it correct that you told the deputationists that you could effectively put down the agitation in ten minutes, but that the decision with regard to the demands made by the leaders of the movement was a matter to be decided

by the Centre before any action could be taken in the Province?

A. I cannot say whether the words as stated by you were said by me or not, but I certainly said that the Government felt that they were in a position to deal with the law-and-order situation resulting from the agitation and that they were greatly handicapped in taking proper steps because of confusion of policy and that this policy could only be laid down by the Central Government?

Q. During the course of this very interview, was it brought to your notice that the agitation, which was being carried on in mosques, should also be put a stop to?

A. This might well have been a part of their complaint.

Q. Is it correct that you said that you did not feel like taking any action against what was being done in the mosques, because you had earlier taken action in a similar situation and the Central Government had strongly criticised your action in arresting such speakers from the mosques and that you did not feel like inviting censure of the Central Government in a similar situation for a second time?

A. I cannot be sure about what is stated, but what I might

well have said is that I was extremely reluctant to be compelled to take any action in connection with congregations in mosques, that our past experience in this direction had shown that instead of improving the situation such action created widespread bitterness among the common citizens of the Province. I might also have mentioned that immediately after this action had been taken by the Punjab Government, I went to Karachi and met the Prime Minister and other Ministers there and was told by them that it had not been very wise of the Punjab Government to have taken any action which gave an impression to the people that normal congregations in mosques were being interfered with.

Q. Was this with reference to the action taken by the Punjab Government in June or July 1952?

A. Yes.

Q. Is it correct that the deputationists brought to your notice that when you had gone to Gujranwala and Sialkot, some of the prominent Muslim Leaguers had asked you to give them directions with regard to the policy that they should adopt towards this

agitation and that you had said that as the Centre had not formulated a clear policy with regard to the demands, you could not guide them?

As far as the attitude of the Muslim League in the Punjab about the merits of the demands was concerned, I could give no directions till the matter had been decided by the competent authority, which, in the present case, was the Pakistan Muslim League or the Pakistan Government. It was primarily the responsibility of the Muslim League workers that law and order was preserved in the Province and that life, property and honour of every citizen of Pakistan, irrespective of his faith or views, was protected.

Sd/-M. Munir.
President.

19th January, 1954.

Sd/-M. R. Kayani.
Member.

Adjourned till tomorrow, the 20th January, 1954, when Mian Mumtaz Muhammad Khan Daultana will be cross-examined by the counsel on behalf of Punjab Government.

Sd/-M. Munir.
President.

19th January, 1954.

Sd/-M. R. Kayani.
Member.

20th January 1954.89th Sitting.

Present:-

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President,

Hon'ble Mr. Justice M.R. Kayani,

Member.

Mr. Fazal Ilahi, assisted by Mr. Ijaz Ali,

for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by

Mr. Abdul Aziz, Advocate, for Mian Mumtaz
Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, for Sadr

Anjuman Ahmadiyya Rabwah.

Maulana Murtaza Ahmad Khan Maikash, Member,

Majlis-i-Amal, in person.

Mr. Nazir Ahmad Khan, Advocate, for

Juma'at-i-Islami.

Mr. Faiyaz Ali, Advocate-General, Pakistan.

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Witness No: 138 (Contd.)

Statement of Mian Mumtaz Muhammad Khan

Daultana, on S.A.-

Cross-examination by Mr. Fazal Ilahi, Advocate,on behalf of the Punjab Government:-

- . When did you join the Muslim League?
- . When I joined politics in 1943. I had

returned from my studies in England in 1940. In 1944 I was elected Secretary of the Punjab Provincial Muslim League. I was also then a member of the Punjab Legislative Assembly.

Q. Who was then the President of the Punjab Provincial Muslim League?

A. The Nawab of Mamdot (Khan Iftikhar Hussain Khan).

Q. Do you know Mr. Daniel Latifi?

A. Yes.

Q. Was he the Office Secretary of the Provincial Muslim League?

A. He might have been for some period.

Q. Was he a communist?

A. No. He could not have been while he was a member of the Muslim League.

Q. Since when have you known Ata Ullah Jahanian?

A. When I came in touch with him as Secretary.

Q. Was he also a communist before?

A. I do not know.

Q. Were you the Finance Minister in Mamdot Ministry?

A. Yes.

Q. Was Mr. Muhammad Hussain Chattha then your Parliamentary

Secretary?

A. Yes.

Q. Did Mr. Chatha resign on the ground that he was not satisfied with the working of the Madinet Ministry?

A. I guess that he was dissatisfied with the working of the Ministry and, therefore, resigned. The exact reason for his resignation, however, should be discovered from the statement which he issued on his resignation.

Q. After Mr. Chatha's resignation, have your relations with him been quite cordial and are you personal friends?

A. Yes.

Q. Did you also, two or three months later, threaten to resign on the same ground?

A. There is no question of threat. I was not satisfied with the working of the Ministry and I submitted my resignation.

Q. Did Sardar Shaukat Hayat Khan also resign with you?

A. Yes.

Q. Is it correct that before you resigned, the Quid-i-Azam had asked you to work as a team with the other Ministers and not to resign?

A. The position was that the Quid-i-Azam asked me to become the Chief Minister of the Punjab. He had also asked the Nawab of Mamdot to step down. My point of view was that I could not become the Chief Minister unless it was a decision of the Muslim League Assembly Party. In any case, I felt that I should not replace my Chief Minister.

Later on I along with Sirdar Shaukat Hayat and some other gentlemen who were working as Parliamentary Secretaries, including Mr. Fazal Ilahi who is now counsel for the Punjab Government, resigned from Mamdot Ministry.

Q. Did you respond to Quid-i-Azam's appeal by promising to work as a team with the other Ministers?

A. I do not think the Quid-i-Azam gave me any such direction. I would like to have my memory refreshed by reference to any contemporary report of the incident.

Q. When did you resign?

A. On 29th May 1948.

Q. Is it correct that before your resignation, all of you were called by the Quid-i-Azam to Karachi?

A. Yes.

Q. Did you have a talk with the Quid-i-Azam then?

A. Yes. It was in the course of the talk on that occasion that he asked me to become the Chief Minister.

Q. Did the Quid-i-Azam ask all the Ministers of the Punjab to tender their resignations to the Governor?

A. The Quid-i-Azam had no such talk with me but the Governor (Sir Francis Mudie) did suggest that we should all tender our resignations to him. On this I handed over my resignation to the Chief Minister.

Q. Did you contest the presidentship of the Muslim League in opposition to the Nawab of Mamdot?

A. No. It was in opposition to another person, Allama Alauddin Siddiqi.

Q. Was Allama Siddiqi put up by the Nawab of Mamdot?

A. I do not know.

Q. Did you, after you became President of the Provincial Muslim League, bring a motion of 'no confidence' against the Ministry?

A. The Muslim League Assembly Party moved this resolution. I might have been one of the signatories.

Q. Before the motion of 'no confidence' had been moved and the matter was still being debated, did the Prime Minister (Nawabzada Liaqat Ali Khan) come to Lahore?

A. Yes.

Q. Did you then suggest to him in writing that section 92-A should be applied to the Punjab?

A. The position is this. Nawabzada Liaqat Ali Khan consulted me along with other people about the situation in the Punjab. A majority of the Muslim League Assembly Party had signed a notice of lack of confidence in the leader of the Party. All the Punjabi Ministers of the Central Government were consulted by the Prime Minister and their unanimous opinion was that stability in the Punjab could result only from general elections which should be held after the dissolution of the Assembly. When I was asked about that, I said that I had no objection to such a course being followed. The Prime Minister specially requested me that it would help him in implementing a decision that he had already

taken in consultation with his Central colleagues if I could give him written advice on those lines, and I did so.

Q. Is it correct that after this you called a meeting of the Working Committee of the Provincial Muslim League and declared before it that ordinary constitutional Government could have been carried on by forming an alternative Ministry?

A. No. I never said anything of the kind.

(Relevant resolution of the Working Committee is marked as Ex.D.E.331.)

Q. Did you resign the office of President because there was great resentment against you?

A. I am not aware of any resentment. I, however, did resign.

Q. Why did you resign?

A. I must have given my reasons in some statement issued in those days.

Q. Were you supported by Mian Abdul Bari when you offered yourself for election as President of the Muslim League?

A. It is quite possible.

Q. After your resignation, did you put up Mian Abdu Bari as a candidate for presidency?

A. He was unanimously elected.

Q. Was a resolution passed by the Muslim League during Mian Abdul Bari's presidency that Sir Francis Mudie be relieved of his office and did you support that resolution?

A. I was not present at that meeting.

Q. Did you obtain eighty signatures from Muslim League Councillors to requisition a meeting of the League Council with a view to ousting the Advisers?

A. A resolution against a particular Adviser was moved by a member of the Council and a meeting took place.

Q. Did Maulvi Abdul Bari resign as a result of the resolution and did you then put up Saefi Abdul Hamid for presidency?

A. If the organisation was so disreputable as to be led or misled by a single person, I am surprised that the questioner himself continued to be a member thereof.

Q. You have said in answer to a question that the Ahl-e-Ahmadiyya controversy, as a law-and-order problem, was brought to your notice for the first time in December 1951?

A. This is my impression.

Q. Is it not correct that the previous history of the Ahl-e-Ahmadiyya was brought to your notice for the first time on or

about the 23rd of May 1951 by a note of Mr. Qurban Ali Khan, I.G.P., recorded in file No:16(2)84? ✓

A. This was merely a report of the action taken by the IGP in respect of the Ahrar and I approved it. The position in respect of the Ahrar was known to me even before I assumed office. ✓

Q. Did you, in this case, record the following note on the 26th of May 1951 :-

"Ahrars are merely trying to capture a political 'living space' on an issue which has voluminous attraction for the common run of people of Pakistan. We have to watch closely that a measure is kept." ✓

A. Yes.

Q. Did you record this note after you had read the note, dated the 23rd of May 1951, recorded by the I.G.P.?

A. The file was brought to me by the Home Secretary to explain to me the action taken and I approved this action.

Q. Did you see the note, dated the 23rd of May 1951, recorded by the I.G.P. in this file?

A. I am not certain if I read this note, but the background of the action taken was explained to me verbally and I approved it.

Q. Did this happen on the 23rd of May, while the youn-i-tashakur was convened on the 25th of May?

A. Yes.

Q. Were the speeches alleged to have been made on the ya-um-i-tashakkur, which are referred to in this file, brought to your notice?

A. Yes. In fact, my note, dated the 26th of May, was recorded after these speeches had been brought to my notice.

Q. Had the speech of Maulvi Muhammad Ali Jullundri delivered on 15th April 1951, at the Annual Conference of the Jamia Rashidia, Montgomery, been brought to your notice before this occasion?

A. Yes. This was also reported to me for information.

Q. Did you tell the Home Secretary on or about the 1st September 1951, to request the I.C. Police to convey it to the Ahrar leaders that they have been exceeding their limits in their speeches, both in regard to the Foreign Minister and the Ahmadiyya community in general?

A. Yes.

Q. Were the notes of Khan Qurban Ali Khan and the Home Secretary dated 1st September 1951, in File No:16(2)86, placed before you for information?

A. Yes.

Q. Were you at that time of the view, as the Home

Secretary's note says, that if the Ahrar did not stop their provocative speeches, the effect on law and order might be disastrous? ✓

A. That view is stated by the Home Secretary in his note.

Q. Did you share this view? ✓

A. I was of the opinion that if hatred was spread in public speeches, it might lead to deterioration in the law and order situation. ✓

Q. Did you not ask the Home Secretary in this file to tell the I.G. to communicate to the Ahrar once for all that in view of the several warnings already given to them in the past, they should stop the provocative speeches which in your view were likely to disturb the peace of the Province? ✓

A. I did think that a strong warning to the Ahrar had become necessary.

Q. Who was the President of the Pakistan Muslim League and the Prime Minister at that time?

A. Nawabzada Liaquat Ali Khan.

Q. Why did you not at that time refer the Ahrar-Ahmadi controversy to the Centre?

A. In my view the position then had not assumed such importance that immediate guidance from the

Centre should become necessary.

Q. When did the Central Government's letter No:738-S(1)51 dated 7th September 1951, first come to your notice?

A. I cannot give the exact date, but there is no doubt that it must have been brought to my notice at some stage.

Q. When you first saw this letter, why did you not then write to the Central Government that the Ahrar-Ahmadiyya controversy was a matter for that Government and that you would be handicapped in controlling the situation if the Centre did not formulate its policy regarding the demands?

A. At that stage these demands were being mentioned in some speeches, but the agitation had neither gained very great vigour nor had it concentrated round any particular demands. It only appeared to be a sectional controversy of the same sort as we had previously faced in Shia-Sunni affairs, and then it was necessary to deal with it in a purely law and order sphere to avoid any disturbances that it might lead to.

Q. Was the draft of the letter dated 3rd November 1951 issued by the Chief Secretary to all Deputy Commissioners in the Punjab approved by you?

A. Yes.

Q. Was not the whole history of the Ahrar again brought to your notice by the D.I.G., C.I.D., in his note dated 20th May 1952 (File No:16(2)94)?

A. Yes. I saw this note as well as the noting of the I.G.Police on it and I fixed a conference to discuss the matters raised in these notes at a meeting to be held on the 25th at my residence.

Q. You have stated in your evidence that one of the questions discussed in the conference held at your residence on 25th May 1952 related to the demands and that you had expressed the view that these demands were for the Centre to consider and not for the Province because they raised some political and constitutional issues which were only within the competency of the Centre. Is there anything about this aspect of the question in the file relating to that conference (No: 16(2)94)?

A. There is no record of the proceedings of that conference.

Q. If you had this view about the nature of the demands, why did you not make any note about it and why did you not immediately address the Centre?

A. It was not necessary for me to record any note on a file. I have already indicated the tenor of the discussion and the aspects of the situation as they were considered in the conference. Certain decisions were taken in full consultation with the officers and in complete accord with their recommendations. The decisions taken were later on implemented by the officers concerned.

I intended to take the very first opportunity of discussing this matter with the Prime Minister of Pakistan and with the other Ministers because it was a matter of such important policy that only at that high level a decision could be possible.

Q. The D.I.G., C.I.D., had made four alternative proposals in his note. Did you accept any of them?

A. I did not take any decision unilaterally. With consensus of opinion the decision taken was the

one on which the letter of 5th June 1952 was subsequently based. According to this letter preventive action was to be taken in respect of all meetings organised by the Ahrar or the Ahmedis.

Q. Look at paragraph 14 of the note of the D.I.G., C.I.D.

It merely states that the action proposed by him against the Ahrar was to be intimated to the Centre so that uniform action should be taken in other provinces also. Is there anything in the noting on this case to show that the question of the constitutionality of the demands was to be referred to the Centre?

A. In the noting it is stressed that no unilateral action would be advisable by the Provincial Government.

In the conference all aspects of the situation were discussed and it was felt that no action, whether in the political sphere or of a wider punitive nature such as banning the Ahrar, could be taken without consultation with the Central Government.

Q. Did it come to your notice that the I.G.P.'s note said that the Central Government was not likely to get itself involved in this controversy?

A. Yes.

To Court:-

Q. The Home Secretary, the I.G.P. and the D.I.G., C.I.D., were all of the opinion that action stated in the D.I.G.'s note, dated the 20th May 1952, should be taken against the Ahrar. What were your reasons for not declaring the Majlis-i-Ahrar an unlawful association, arresting Sayyad Ata Ullah Shah Bukhari, Qazi Ehsan Ahmad Shujabadi and Maulana Muhammad Ali Jullundri or not restricting them to their home places?

A. The whole position was discussed thoroughly in a meeting held on the 25th. The final opinion, which the officers fully shared, was that the declaration of a political body as illegal was a very drastic step and that, as the Majlis-i-Ahrar was an all-Pakistan organisation, any such action against it would have to be taken on an all-Pakistan level after considering all the political implications involved. Before such an action could be taken and justified before the people, who had accepted a democratic form of Government, it would be necessary

to make it clear to them that the political activities of that organisation, their demands and the issues which they were placing before the country, were wrong and such as would present great danger to the integrity of the country. This would necessitate an authoritative pronouncement on the merits of their demands. Therefore, no punitive action could be taken against them which would cause an all-Pakistan repercussion, except on the initiative and with the approval of the Central Government. At that conference I expressed the intention of discussing these matters with the Central Government. With respect to arresting certain leaders the position was considered in the following manner. If a particular leader did something that was actionable at law, suitable action should be taken against him and he be punished. If that course were adopted, it would be justifiable before the public and would discredit the political leader concerned and reduce any further harm that he was likely to do. This would also involve a

clarification of the political attitude on the part of the party in power. We were also aware of the opinion expressed at that conference and previously by the I.G.P. in his notes that action of this nature against a political leader far from stopping a movement gave a halo of martyrdom to it and brought its leader into prominence and won public sympathy for him which might later on result in further difficulty in controlling the situation. We were also conscious at that stage that we were dealing with a difficult problem. The agitation was supposed to be based on a religious doctrine, which, as far as we could see, was unanimously accepted by a very large section of people of the Province and of Pakistan and was capable of rousing very deep and violent emotions. Therefore, it was necessary for us to deal with such a situation with tact, prudence and caution.

Q. Was in that conference the question whether the speeches of the three persons mentioned in the preceding question were actionable considered?

A. I recollect that a definite decision was taken that all

speeches and writings relating to the past or the future must be carefully examined and wherever there was a speech or writing which ran counter to a provision of the law, or was actionable, very strong action should be taken and nobody spared.

Q. counsel (continued):-

Q. Did the note, dated the 3rd of June 1952, recorded by Khan Qurban Ali Khan, at pages 25 and 26 of file No. 16(2)94, come to your notice?

A. Yes, this was passed on to me for information.

Q. Court:-

Q. Had the Ahrar at this time become persona grata with the Muslim League?

A. No.

Q. counsel (continued):-

Q. Is it correct that, after the instructions of 5th June 1952, the Ahrar had started holding public meetings in mosques?

A. My impression is that soon after this step was taken by Government, the meetings began to be exclusively held in mosques.

Q. When did you leave for Nathiagali?

A. On 28th or 29th of June 1952.

- Q. It is reported in the "Zamindar" of 1st July 1952, Ex.D.3/332 that before you left for Nathiagali you had a two-hour discussion with these officers regarding the meetings and arrest of Ahrar. Is that correct?
- A. I cannot remember. I was, no doubt, meeting these officers fairly regularly.
- Q. While you were at Nathiagali, did the D.P.R., the I.G., the D.I.G., C.I.D. and the Home Secretary or any other officer meet you?
- A. I do not recollect.
- Q. Did you have any telephonic conversation with any one of these officers from Nathiagali?
- A. I am not sure.
- Q. I put it to you that, before you went to Nathiagali, you held a discussion with regard to the conference of District Magistrates to be held on the 5th of July in your absence and also gave your own views about the matters that were to be decided in that conference?
- A. I can say nothing about it.

To Court:-

Q. Were you still in Nathiagali on 5th July?

A. Yes.

To counsel (continued):-

Q. The Home Secretary has recorded on the 7th July 1952, the following note in file No:16(2)94:-

"H.C.M. may kindly see for information. The decisions taken at the conference are in keeping with the general policy already approved of and decided by H.C.M. Therefore, they are communicated to all the D.Ms. for necessary action in anticipation of H.C.M.'s approval so that no time would be lost."

When was that policy laid down and what was it?

A. I think the note related to the general policy laid down in the conference of 25th May and that policy must have been discussed by me with the officers concerned in the ordinary course of official routine.

Q. Did you approve of the decisions taken on the 5th July at the District Magistrates' conference?

A. If I had disapproved of those decisions, I would have had them varied accordingly.

Q. Was the question of stopping the Convention that was to be held on the 13th July ever discussed by you with any of the officers concerned before you left for Nathiagali? .

A. No.

Q. Don't you think that the decisions taken at the conference of 5th July, are inconsistent with the decisions taken earlier, namely, on 25th May and those incorporated in the letter of 5th June 1952?

A. I don't think so.

Q. One of the directions contained in the letter of 5th June was that meetings held with the object of discussing the Ahrar-Ahmadiyya dispute, were to be banned. Was not this decision nullified by the decision of 5th July, in para 2, that if any member of the Ahrar party or the Ahmadiyya community delivered a violent or inflammatory speech at any public meeting not organised by their respective organisations, a reference should be made to Government for action?

A. The assumption in this question is not correct. In the order issued on the 5th of June 1952, the Government decided that, in the general interest of peace and tranquillity, neither the Ahrar nor the Ahmadis should be permitted to hold public meetings, and the district officers were

required to take action against meetings organised only by either of those two parties. This order was never varied on 5th July. Rather it went further and suggested the action that was to be taken against persons delivering violent or inflammatory speeches in meetings not organised by the Ahrar or the Ahmadias. Therefore, the order of 5th July was not in mitigation but in further extension of the order of 5th June.

To Courts:-

- Q. If the meetings to be held by the Ahrar or the Ahmadias, whether inside or outside the mosques, were to be banned by an order under section 144, why did the decisions of 5th July impose the restrictions that such meetings, if they actually took place, were in no case to be dispersed and no arrests made?
- A. As far as I can understand, the purpose of the direction contained in the letter of 5th June was that the meetings were to be banned. It did not direct the District Magistrates to see that the meetings were dispersed by force, which course in certain circumstances would have been impolitic. On the 5th of July a meeting was held in which most of the District

Magistrates concerned were present and the decisions taken were based on their ripe administrative experience, with particular reference to the situation then developing.

The decision taken by these officers that the best course to deal with the situation was not to disperse mass meetings by force but to arrest the agitators and the instigators, would appear to me to be quite reasonable.

Q. Were any prosecutions under section 188 of the Penal Code launched against persons who had contravened the order promulgated under section 144, by organising a meeting in a mosque, in pursuance of the directions contained in the letter of 5th June?

A. I cannot recollect. The record should show it.

Q. Why did you not direct the District Magistrates to ban the public meetings which were organised by parties other than the Ahrar and the Ahmadias but in which the question of Khata-i-Nubuwat was to be discussed?

A. We apprehended clashes between meetings

organised by the Ahrar and the Ahmadis. It would not have been correct to give the order a more general application.

Q. I put it to you that the letter of 5th July was so worded as to leave scope for the Ahrar to continue their propaganda by holding meetings in the name of other parties?

A. I repudiate the suggestion because, as far as I can see, no change in policy is indicated by the decisions of 5th July.

Q. Was it your policy that the All-Muslim Parties Convention should be allowed to be held on 13th July?

A. I only agreed with the recommendation of my officers.

Q. Had you come to know before the 13th of July that a convention was going to be held on that date?

A. Yes.

Q. Was it your policy that the ulama should be encouraged to attend this convention?

A. No.

Q. Did anyone of your officers mention to you that the ulama should be encouraged?

A. All that I remember is that one of my officers was of the view that the convention might actually prove to be useful. This opinion appears in the

form of a note by the I.G.P. at page 1 of file

No:16(207) volume II, which runs as follows:-

"We should certainly let the convention take place. It will show their hand. All that we need do is that the public should in the meantime be informed of the exact position by means of intensive and daily propaganda."

Q. Did you suggest to the D.P.R. that he should contact

Maulana Muhammad Bakhsh Muslim so that he might attend the convention?

A. I do not recollect.

Q. Did you express the view in the meeting of the working committee held on the 25th of July that it would be better from Government point of view if pro-Government ulamas join the convention?

A. I do not recollect.

Q. Did you on 8th July record the following note in file No:16(2)94:-

"I entirely agree with the policy decided upon. Prompt action should be taken in accordance with para: 6 above, particularly by D.P.R. through people like Maulana Ghulam Murshid, Muhammad Bakhsh Muslim, etc."

A. Yes. There is also my note of 5th July on decision No:6 which says as follows:-

"This convention may actually prove to be useful

from the point of view of Government if the intending participants are contacted by the District Magistrates or the D.P.R. and prevailed upon to denounce preaching of violence and defiance of law."

Q. Decision No:6 said that the speeches delivered and the decision taken were to be examined later to see what action, if any, was called for. Was any action subsequently taken?

A. My impression is that no action was recommended by any of the officers.

Q. Did you read the report of speeches yourself?

A. I think I must have.

Q. When you subsequently released the Ahrar leaders who had been convicted or against whom cases were pending, why did you not take into consideration the speeches that the Ahrar had made at the convention?

A. The decision to release the Ahrar or withdraw their pending cases was taken on the basis of a categorical assurance given by their leaders. No reference to anything previous would have been necessary or even proper. ✓

To Court:-

Q. Did the persons who were released or anyone on their behalf or belonging to their party give a written

undertaking before you released them?

A. At an interview which some representatives of the Ahrar had with me, probably on Id Day, they gave me a draft of the announcement which they proposed to make in the press. I must have passed on that written assurance to one of my Secretaries.

Q. Was Ex. D.E. 258 the assurance that the Ahrar gave to you?

A. Yes.

To counsel continued:-

Q. Had you studied the past activities of the men who were ordered to be released or against whom pending cases were withdrawn?

A. I was aware of their past activities in a general way. The decisions that were taken, were, according to me and my officers, the best method of dealing with the situation in those circumstances.

Q. Who were the officers consulted?

A. The I.G.P. and the Home Secretary.

Q. What considerations led you to withdraw the cases on 15th July when the assurance was given on the 18th?

A. As far as I remember I did not take any decision on the 15th. My impression is that on that date some officers

decided that cases against two Ahrar leaders in Gujranwala should be withdrawn because they had already been convicted on similar charges in Sargodha. I would consider these decisions to be merely of a technical nature.

Q. Were the speeches that these leaders made in Gujranwala, studied by you or by the officers who took the decision to withdraw their cases?

A. Yes.

Q. The orders of withdrawal covered the cases of Faiz-ul-Hasan, Abdul Wahid, Lal Hussain, Shabbir Ahmad, Muhammad Ali and Hakem Muhammad Fazil. Should I take it that these persons had also been convicted in some cases in Sargodha?

A. I do not recollect whether I attended the meeting of 15th in which the decision to withdraw the cases was taken. There is nothing on the file to show that I was present in this meeting or that these decisions were taken under my orders. These decisions were purely of an administrative nature and no matter of policy was involved. ✓

Q. Did the activities of anyone of the persons who were released or pending cases against whom were

withdrawn subsequently come to your notice in connection with the agitation?

A. I was aware of the activities of only Master Taj-ud-Din, Sheikh Hissam-ud-Din and Sahibzada Faiz-ul-Hasan. I never heard anything about the other persons.

Q. In file No:16(2)93 there occurs the following note of the Home Secretary dated 18th July:-

"The Gujranwala case was withdrawn yesterday. I sent for the D.C. on the 15th immediately after our meeting with the H.C.M. and communicated to him the decision of Government when he came to see me on the 16th".

Do you now recollect that the decision to withdraw the cases was taken at a meeting at which you were also present?

A. It appears from this file that I was contacted by the Home Secretary and other officers on the 15th. I have, therefore, no doubt that they must have made their recommendations in connection with the withdrawal of cases in Gujranwala to me on that date and I must have agreed with them.

Q. Was the recommendation made in the form of a note?

A. No.

I put it to you that the decision was yours as would be apparent from the fact that the Home Secretary had to send for the District Magistrate, Gujranwala, in order to give him instructions for immediate withdrawal of the cases and because the decision was important in as much as it affected the cases of persons who had been taking part in the agitation?

A. I do not think this is the correct position. My impression is that the situation in Gujranwala might have been causing concern. These persons had been arrested merely for attending a meeting in contravention of an order under section 144 and there was considerable agitation in the city. It was on District Magistrate, Gujranwala, contacting the Home Secretary, about the situation that these decisions were taken on the recommendations of the officers concerned.

20th January 1954.

Sd/-M. Munir.
President.

Sd/-M. R. Kayani.
Member.

O R D E R.

Adjourned till tomorrow when the examination of the ex-Chief Minister of the Punjab will be resumed.

20th January 1954.

Sd/-M. Munir.
President.

Sd/-M. R. Kayani.
Member.

1st January 1954.

90th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President,
Hon'ble Mr. Justice M. R. Kayani, Member.

--o(O)--

Mr. Fazal Ilahi, assisted by Mr. Ijaz Ali,
for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate,
assisted by Mr. Abdul Aziz and Raja
Said Akbar, Advocates, for Mian
Mumtaz Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by
Mr. Ghulam Murtaza, Advocate, for Sadr
Anjuman Ahmadiyya, Rabwah.

Maulana Murtaza Ahmad Khan Maikash, Member,
Majlis-i-Amal, in person.

Mr. Nazir Ahmad Khan, Advocate, for Jama'at-i-
Islami.

Mr. Faiyaz Ali, Advocate-General, Pakistan
on behalf of Pakistan Government.

--o(O)--

Witness No 138,

Mian Mumtaz Muhammad Khan Daultana, continued,
on S.A. -

Cross-examination by Mr. Fazal Ilahi, Advocate, on
behalf of the Punjab Government, resumed:-

Q. I draw your attention to the note dated 14th July,
by the Inspector-General of Police, in File No:
16(2)110, to the effect that the Convention had
very adverse effect on people, that the Ahrar
had gained their object by exciting the sentiments
of people on religious issues, that there was a race
between the Government and the Ahrar and that the
Government should be on its toes and let no grass
grow under its feet. On this note, the Home
Secretary on the same day also wrote to the same
effect. This file was seen by you on 16th July 1953.
Would you in face of this noting still insist on
stating that the decision to withdraw the cases
was of the executive officers who held such strong views
and not your own?

A. This file came to me for information only. There
was a suggestion by the Home Secretary that a meeting
of officers should be held in the near future to

consider the effects of the Convention. I believe a meeting was later held. I was not asked or expected to give any decision on this file. The question of withdrawal of the Gujranwala cases has nothing to do with this file. It was an administrative decision, suggested and approved by the officers, and I concurred in it.

Q. In this file there is a note dated 16th July 1952, by the Inspector-General of Police that the subject was discussed at the previous day's meeting. Can you recall whether there was, in fact, a meeting on the 15th at which you and the Inspector-General of Police were present?

A. It is apparent from a perusal of the file that I must have been present at the meeting; otherwise when I initialled the Home Secretary's note on the 16th, I would have taken a decision to hold a meeting.

To Court:-

Q. Can you now recall whether in the meeting of 15th July the question of withdrawing the Gujranwala cases was discussed?

Q. As I have already stated, this was a decision recommended to me by my officers and I accepted it.

Q. Did you come across the following passage in

Mr. Qurban Ali Khan's note of the 14th July 1952:-

"That a Government, no matter of which party, cannot possibly accept these recommendations (demands) is realised by most of the people. It will, nevertheless, be the strongest issue since the formation of Pakistan on which the League will be challenged with the hope that if the Government in power should give a verdict rejecting these demands, the majority of Mussalmans will go against them. There is not the slightest doubt of this happening if in the meantime Government does (not) devise ways and means to counteract the mischief which will now start in right earnest. What ways and means Government can find and employ, it would be possible for them only to examine."?

A. Yes. I read this note.

Q. Does not this note clearly indicate that the Central Government should not be forced to give an answer to the question whether the demands should be accepted?

A. It was throughout the clear opinion of the I.G. Police,

Khan Qurban Ali Khan, that a political policy about the demands must be formulated. This was the line he consistently took throughout my dealings with him from July onwards.

Did not Khan Qurban Ali Khan rightly appraise the situation when he said that the demands could not possibly be accepted and that if they were rejected, the Ahrar would score a victory over Government and that therefore some ways and means had to be found by which that situation could be averted?

This was, in fact, the dilemma with which the Government was always faced. Unless a policy was laid about the demands, public opinion could not be rallied round the stand of the Government. If public opinion was hostile and was being rapidly won over by elements opposed to the Government, any large-scale repressive activity would lead to disastrous consequences because the people would not support it. Therefore, what was left to the Government was to deal with any obvious illegal manifestations of the movement, such as breaches of the peace, clashes in rival

meetings and violence offered to citizens of the State. It was not possible to outlaw the putting of the demands or making of speeches in their favour, unless it could be clearly held that such demands were wrong or amounted to an enmity to the State.

Were any "ways and means" considered or devised in the meeting of 15th July?

I cannot recollect the definite decisions, if any, taken at that meeting, but I can point out to the general policy that was pursued.

Q. You have said that the Punjab Government found itself in a dilemma. Did you intend to put the Central Government into this dilemma when you referred the issue to it?

A. There was a dilemma inherent in the situation. The Punjab Government was not in a position to face it because it was not empowered to decide the demands but the dilemma had to be faced unless political bankruptcy was to be canvassed.

Q. You have said in your written statement that the policy of the Central Government was one of drift. Since the main burden of the situation fell on the Punjab Government and since you found the Centre drifting aimlessly, was it not your duty to devise some ways and means and save your own Government from drifting?

A. I had my first discussion with the competent authorities in the Centre in August. From August onwards, the policy of the Central Government, as I understood it, was that while the question of taking a decision on the demands had to be postponed because of the embarrassment inherent in the situation, efforts should be made not in

any way to precipitate the situation or to come into clash with religious opinion in the country and to try through persuasion and other methods to see that "measure" was kept by the agitators, and reliance was to be placed upon discussions and negotiations with ulama on which the leaders of the Central Government had embarked from that period. In the meantime any actual breach of the law was to be properly dealt with. It was clearly indicated at the Central Cabinet meeting of 7th and 8th August and subsequently that the raising of the demands as also speeches made in support of the demands so long as they kept within the bounds of the law could not be prohibited and that the Government was not to indicate that they considered the demands in themselves to be objectionable.

To Court:-

- Q. Do you think that if the Central Government had enunciated a definite policy regarding the acceptance or the rejection of the demands, it would have helped you in dealing with the law-and-order situation better?
- A. In my view it would have helped the Provincial Government.

Q. What did you mean when you remarked in your note dated the 7th July 1952 that you needed to guidance or consultation to make you realise your primary duty of maintaining law and order?

A. As a Provincial Government, it was our duty to do everything that lay in our power to maintain law and order in the province. I required no guidance from anywhere to make me conscious of my duties if a disturbance took place in the province. The demands were arousing public feeling which could only be checked, controlled or canalized if a definite attitude was decided to be taken about the demands by the Central Government. If this had been done, it would have affected the virulence or otherwise of the effects with which it was my duty to deal.

Q. Suppose the demands had been rejected by the Centre?

A. It would have been an important political decision in which the whole political party of which I was a member and which was running Governments in the Centre and the Province, would have been involved. With our decision, we would have used all the strength and influence of our political party and

all our political and administrative resources to convince the people of the correctness of our stand. I am convinced that if such an effort had been made on a proper political level, we would have succeeded in mobilising public opinion. There is a possibility that we might have failed but then our attitude would have been perfectly honest. We sponsored a point of view and placed it before the people. If they rejected it, it was for others to carry on the Government of the country.

Q. Was it not clear to you from the attitude of the Central Government that it had no intention of conceding the demands?

A. About the demands, the attitude was not even clear to that extent. The Central Government was of the view that it could not decide the question for the time being. On the 26th of August I again pressed my point of view and the Prime Minister said that he quite realised the importance of the situation but that he would go back to Karachi and reconsider the position and see what could be done. I again suggested political action in September. The issue was again postponed. I suggested the formulation of a policy in October during the League session at Dacca.

Again I was told that the demands would be considered at a later stage but that at the moment the Prime Minister felt that there was a likelihood of his negotiations with the ulama succeeding and, therefore, the bitterness of the position might decrease. And so it went on.

Q. What did the Prime Minister mean when he said that he was hopeful that the negotiations with the religious leaders would succeed? Did he not mean that, without conceding the demands, he would be able to persuade the leaders to give them up?

A. As I understood him, the object of the negotiations was to persuade the leaders not to press the demands as an immediate objective. Up to the last minute I was not certain that the Prime Minister would not concede the demands.

Q. You had, as a shrewd politician, realised from the very beginning that the demands raised a delicate and extremely difficult issue. Did you ever, as President of the Provincial Muslim League or as Chief Minister, do anything to dissuade people from putting the Government in this difficult issue?

A. I did one thing of which I am proud. Immediately after these demands were put forward by the people and the agitation became intensive I was the only political person in the country who came forward and made public speeches before very large gatherings, telling them that there were many aspects of the demands, particularly the minority issue, about which it could not be said that

side, that there were weighty arguments against it and that, in any case, the demands were of a constitutional nature and should not be presented in the form of a popular agitation. I also told them that we should leave our leaders and call competent authorities to consider and decide them in an atmosphere free from bitterness and controversy. I made this effort repeatedly. I definitely told the Prime Minister of Pakistan if similar efforts were made by all leaders, the atmosphere in the country might be influenced, but I regret that, apart from me, there was not a single political worker of the Muslim League throughout Pakistan who dared come out in the public and cast doubt on the justice of the demands.

Q. May we have particulars of these speeches?

A. They are given in the appendix to my written statement.

Q. Some district branches of the Muslim League took up this issue by passing resolutions about it. Did the office-bearers of these branches consult you before they formally discussed this issue in their respective organisations?

A. No. This issue was extremely prominent in July 1952.

The agitation was going on, the Multan firing had taken place, the Ahrar leaders had been arrested and then came

their assurance. All these things were very much in the forefront and there was a great deal of demand from individual Muslim League workers that they should know our attitude. It was on the basis of this that the Working Committee of Provincial Muslim League considered and drafted a resolution which was passed on to the League Council so that we might be able to say something to the people.

Q. Who was responsible for bringing this issue before the Working Committee?

A. I myself, in view of the general demand.

To Mr. Fazal Ilahi (continued):-

Q. Did any talk between you and Mir Nur Ahmad, D.P.R., take place before you left for Nathiagali on the 29th of June 1952 regarding the allocation of the Adult Literacy Fund to various newspapers?

A. I will have to look up the relevant file to answer this question.

Q. Did you give any oral instructions to him in the matter?

A. Not to my recollection.

Q. The D.P.R., in his note dated the 30th of July 1952, in file Tx, D.E/250 at page 3, has stated as follows:-

*As already verbally submitted to H.C.M., the sum

has been spent in the following manner:-

(a) subscription for one thousand copies		
of the daily 'Ehsan' for a year Rs.40,000/-		
(b)	-do- -do- 'Afaq' Rs.40,000/-
(c)	-do- -do- 'Zamindar' Rs.10,000/-
Total	 <u>Rs.90,000/-</u>

and the balance of Rs.10,000/- is still to be spent.

Is this recital of the fact by the D.P.R. correct?

A.The note means that the sum was expended by the D.P.R. and
the fact mentioned to me.

Q.Did he discuss with you the expenditure?

A.No, I gave him no views.

Q.Did you initial this note?

A.Yes, on the 12th of August.

Q. The record shows that these payments were made on 3rd, 4th and 5th July. This expenditure must, therefore, have been mentioned to you by the D.P.R. before you left for Nathiagali. Is that so?

A. This disbursement was in continuation of a previous policy decided upon in 1950 and later on followed by my Government in 1951. I do not know on what occasion or on what date the D.P.R. verbally submitted to me his allocation of sums to the various newspapers in accordance with a previously decided policy. All I can say is that on this occasion also, as on all previous occasions, I had no part whatsoever in suggesting these allocations, but, as usual, I and the Chief Secretary agreed, without amendment, to the suggestions made by the D.P.R.

Q. Are you aware that the papers who received these large amounts of money from Government were engaged in anti-Ahmadiyya controversy right up to the commencement of the disturbances?

A. The first time that the Punjab Government decided to use its influence for persuading

newspapers to black out the Ahrar-Ahmadiyya controversy and not to indulge in any propaganda in support of the agitation, was in the third week of July 1952. ✓
 My impression is that after the newspapers, which were favourably inclined to Government, were contacted on that date, the "Ehsan", the "Afaq" and the "Maghribi Pakistan" desisted from taking any part in support of the agitation and blacked out all news relating to it. ✓
 Subsequently, no complaint about them was brought to my notice, either officially or unofficially.

Q. Did the "Zamindar" carry on the agitation till the commencement of the disturbances?

A. Yes. The "Zamindar" was consistently supporting the demands and the agitation for their acceptance.

Q. Then why was a sum of Rs.7,000/-/- paid to this paper in October 1952? ✓

A. I know nothing about this expenditure.

To Court:

Q. Were you not consulted by Mir Nur Ahmad as to whether this amount should be paid to that paper or not? ✓

A. No.

To Council contd.-

Q. Did the Central Government in their decision of 27th February, decide to take action against the "Zamindar"?

A. I am not aware of that, but it is correct that in the meeting held at my residence on the return of Mr. Chatha, the Home Secretary and the I.C. Police, from Karachi, one of the decisions taken was that the "Zamindar", the "Azad" and the "Alfazi" were to be banned.

Q. Was this decision carried out?

A. It was for the officers to carry it out.

Q. When was the "Zamindar" actually banned? ✓

A. I cannot give you the exact date. The decision to ban it had been taken on the 27th, and it was for the officers concerned to carry out that order.

To Court:

Q. The Home Secretary has stated that the order banning the paper was not served on Maulana Akhtar Ali Khan and he himself was not arrested ✓ because he gave a written apology on the 1st March. Was the decision not to arrest him and

not to ban his paper immediately, taken by the officers concerned in consultation with you?

4. As far as the question of his arrest is concerned, I was kept informed throughout, but regarding the banning of the "Zaminder", I know nothing after the order of the 27th.

To counsel continued:-

Q. One of your notes dated 1st of March 1953 in file

Ex.D.E. 306 is to the following effect:-

"In view of the attitude taken by the "Zamindar" today, action will have to be taken against it as proposed before."

Does it not show that the original order of 27th

to ban this paper was not executed with your concurrence?

A. No. The file shows that I had desired that in view of the abject undertaking given by Maulana Akhtar Ali Khan to behave himself, action against him should be stopped for the time being. Later on it is mentioned that the Secretary, Ministry of the Interior, had telephoned to the Chief Secretary saying that the "Dawn" had entered into a gentlemanly agreement with him to desist from giving sensational headlines etc., but that he had made it clear that his agreement was subject to the strict condition that the "Zamindar" should also be properly bridled. On this I made the note in question.

Q. Did you receive any instructions from the Centre regarding the "Zamindar" on 28th February?

A. Yes.

Q. Was Maulana Akhtar Ali Khan one of the persons about whom decision to arrest had been taken on the 27th?

A. The position about Maulana Akhtar Ali Khan has been explained at length in my written statement.

Q. Do you know whether your private secretary Mr. Hurmat Beg accompanied the police officer who was to execute the warrant of arrest against Maulana Akhtar Ali Khan?

A. No.

Q. Were you consulted by the police officer entrusted with this warrant after the Maulana had apologised?

A. No police officer had any communication with me on the subject excepting the I.C.P. who mentioned this matter to me in the presence of the Governor-General of Pakistan and the Governor of the Punjab on the morning of the 1st at the Aerodrome.

Q. Is it not a fact that you sent Mr. Hurmat Beg with Khan Zulqarnain Khan to advise Maulana Akhtar Ali Khan to give an apology if he intended to avoid his arrest?

A. No.

Q. Was the "Asar" to your knowledge a continuation of the "Samindar"?

A. I am not aware of it at all.

Q. Was it brought to your notice that the "Zamindar" even after its publication was stopped, continued in the form of "Maghribi Pakistan"?

A. I knew nothing about it though I know it today.

Q. Were the amounts paid to newspapers in the nature of political expenditure?

A. The position is that some time in 1950 a decision was taken by the Government that those newspapers who normally supported the policy of the Government and, therefore, could not take advantage of writing sensationally and thus gaining greater public support, should be assisted. This policy came up before me for approval in 1951. I agreed with this and said that such papers may be assisted. It was on the recommendation of the Education Minister that as support was required from certain newspapers in connection with adult literacy, it was decided that this assistance which was also of a political nature, should be given through

that fund. This position has been explained by the Chief Secretary in his evidence before this Court.

Q. Were any sums actually spent before you assumed office?

A. Yes, to the best of my recollection.

Q. Was the expenditure in 1950 before your Ministry assumed office incurred from the Adult Literacy Fund?

A. No. That money came out of the budget of the Public Relations Department.

To Court:-

Q. Who suggested the idea of meeting this expenditure from the Adult Literacy Fund?

A. The D.P.R. as File No:11/12(52) V, would show.

The D.P.R. put up the proposal before the D.P.I, who in turn put it up before the H.M.E. who agreed with the proposal.

Q. Did the Education Minister discuss this matter with you?

A. I cannot recollect.

To counsel continued:-

Q. The original scheme of 1950 was for six months only.

Did you suggest to the D.P.R. in 1951 that the scheme should be continued and expanded?

A. No, though I approved of the recommendations of the D.P.R.

in a verbal discussion as mentioned in the D.P.R's note dated 18th May 1951 in File No:11/64(51) V.

Q. Were you aware that the Education Department had raised objection to the appropriation of the funds in this manner?

A. No.

Q. It is stated in File No:11/64(51) V, at page 5, that the H.M.E. discussed this case with you. Is this correct?

A. Yes. He must have, if it is stated in the file.

To Court:-

Q..Could the Education Minister cause the funds to be thus appropriated without reference to you?

A. Yes.

Q. Then why did he refer the matter to you?

A. Because it was a matter of policy.

Q. In whose portfolio was the Directorate of Public Relations, the disbursing authority in this case?

A. Mine.

To counsel (continued):-

Q. Was this amount a "Voted" amount for the Education Department?

A. It was a fund for the purposes of Adult Literacy, for which instructions were given to the D.P.R. who complied with them. In this manner legally there would be no necessity of going to the Assembly for voting.

To Court:-

Q. When a decision was taken to give this money to the newspapers in 1951, was the amount included in the sanctioned budget under the head "Adult Literacy Fund"?

A. Yes. There was some money available to the Adult Literacy Fund. It is possible that later on the Finance Department gave them additional funds, but only the file would show that.

To counsel (continued):-

Q. The D.P.R. wanted to keep the detail of this expenditure confidential. Why?

A. That would appear from the D.P.R.'s statement.

To Court:-

Q. Did you ask him why he intended to keep the detail of the

expenditure confidential?

A. I have no recollection of this now.

To counsel (continued):-

Q. Did the note of the D.P.R., dated the 18th May 1951, which says that further details of the scheme were to remain confidential, come to you?

A. Yes. The "further details" here mean the details of the allocation of the funds to particular newspapers.

Q. Had you given an unqualified authority to the D.P.R. to spend money out of the Adult Literacy Fund?

A. I had done no such thing. A certain proposal had been approved by the Education Department and the D.P.R. It involved the expenditure of a certain sum of money in a certain manner, the details of which had to be worked out in that scheme. This probably had also to be approved by the Chief Secretary. I took no further interest in the matter.

To Court:-

Q. Did allocation of the funds to different newspapers have your approval?

A. The distribution of money was made by the D.P.R., but, subsequently, it was brought to my notice.

Q. Who was the ultimate disbursing authority of these funds?

A. It would be the D.P.R.

Q. Did he have full discretion in the matter?

A. I never interfered with the distribution.

Q. Had the D.P.R. to obtain the Chief Secretary's

approval?

A. I do not know what was the arrangement, but in all matters the D.P.R. would be subject to the supervision and control of the Chief Secretary.

To Counsel contd.-

Q. Please look at paragraph 3 of your note dated 7th July, 1952, and say whether it does not show that you were against taking any legal action on anything done in a mosque, with the result that the Ahrar continued to make unrestricted speeches in mosques?

A. My point of view is adequately expressed in the note, and, I think, it represents the actual position. Muslim opinion generally in the Province and in the country, was very sensitive about action taken in mosques. Our later experience more than bore out what I had pointed out in this note. I had suggested that great care should be taken to see that Muslim opinion on the point was not alienated because, instead of helping us in controlling the agitation, it would put us in a weak position vis-a-vis the agitation by giving the agitators a popular point in their favour. I

believe, at about the same time, this view was also independently arrived at in the meeting presided over by the Chief Secretary on 5th July and attended by the District Magistrates of various districts.

Q. Was a conference of officers, namely, the Home Secretary, the D.I.G., C.I.D., and the I.G., held on 27th June 1952, attended by you?

A. Yes.

Q. Was the demi-official letter dated 28th June 1952, the result of the decisions taken in this conference?

A. Yes.

Q. Did the Home Secretary have any oral discussion with you on the subject before he wrote his note dated 4th July 1952?

A. No.

Q. In their letter dated the 2nd July 1952, the Central Government had appreciated the action taken by the Punjab Government to deal with the situation. Why did you subsequently change the policy which had the approval of the Centre?

A. In the letter referred to there are no definite

instructions given. The policy of the Punjab Government varied according to the circumstances. I have given at some length, in my written statement and in earlier answers during this examination, all the reasons which induced me to accept the assurance given by the Ahirar leaders on the 18th or 19th of July.

Q. What was the action by the Punjab Government referred to in this letter which had the Centre's appreciation?

A. This appreciation refers to the action taken by the Punjab Government before 2nd July.

Q. Can you recollect what action was taken?

A. Yes. That action was the banning of public meetings by the Ahrar and Ahmadis.

Q. Did it include prosecutions for contravention of orders under section 144?

A. It would be implied.

Q. That being so, why did you subsequently release the Ahrar prisoners and withdraw pending cases against them?

A. I have already answered this question.

Q. If the opponents of the Ahmadis were publicly saying the following, did it not amount to militant and aggressive sectarianism:

*Qadianis are selling Kashmir for the sake of Qadian; they are disloyal to Pakistan and should be turned out; they are liable to be killed according to the Shariat; they should be socially boycotted; their dead should not be buried in Muslim graveyards; municipalities should terminate the services of Qadianis; this

evil will be eradicated with our last drop of blood and Ahmadis should have separate utensils in eating houses."

A. These speeches are such as would inflame opinion of the masses but as to the extent to which any of these statements runs counter to the provisions of law, I am not in a position to say.

Q. Did you take the Central Government's letter of 2nd July 1952 to apply to newspapers?

A. Yes.

Q. You say that the policy of your Government was not to use the Punjab Public Safety Act against persons or newspapers. Did you follow this policy during your regime?

A. Yes, to the best of my recollection.

Q. Should I then take it that no newspapers were banned nor any persons arrested under the P.P.S.A. during your regime?

A. No. The position is this. Soon after the Ministry came into office, action was taken at the instructions of the Central Government against some persons connected with the Rawalpindi Conspiracy Case who were of communist views. Subsequently to that the policy of my Government

was to review their cases as speedily as possible and if there was no special reason for continuing their detention, to release them. The result that we were able to achieve by the middle of 1952 was that there was not a single political detenu under the Punjab Public Safety Act as far as the Punjab Government was concerned. Of course there were some persons detained as they were enemy agents and had filtered into the Punjab or were collaborating with foreign powers but there was no detenu in July or August 1952 who had been detained because of his opposition to the Government. I made a statement to this effect during the annual session of the Provincial Muslim League at Lyallpur in November 1952 in the presence of the Prime Minister of Pakistan and the Minister of the Interior. As far as the newspapers are concerned, no action under the Safety Act for political opposition was taken during my regime till February 1953.

To Court:-

Q . Was the Punjab Public Safety Act used to suppress political views and opposition to Government?

A. No, except in the case of detentions ordered in

consequence of the Rawalpindi Conspiracy Case in March or April 1951.

To counsel continued:-

Q. I put it to you that in the year 1952 there were 96 persons detained under the P.P.S.A.?

A. None of these persons was detained for holding certain political views or opposing the Government.

Q. Was Mirza Muhammad Ibrahim arrested under the P.P.S.A.?

A. I think he was arrested before my Ministry assumed office. In his case the Centre had to be consulted and the moment it consented to his release, he was released.

To Court:-

Q. Did you or did you not consider the activities of persons who were leading the movement prejudicial within the meaning of section 3 of the P.P.S.A.?

A. These persons were making speeches in support of certain demands which were based on religious grounds. They were of a highly popular nature and public sympathy was mobilised on their behalf. The Government had by then not made up its mind and decided whether these speakers should be prevented from doing so. Therefore to have taken action without being able to justify that action

would have put the Government in considerable difficulty. The position was particularly so after August 1952 when it became clear to me that the raising of the demands or making speeches in favour of the demands was not to be prohibited, but if any provision of the law was violated, action was certainly to be taken.

Q. Did you see the note, dated the 24th July 1952, recorded by the D.I.G., C.I.D. in file No:16(2)101, vol.7, suggesting that action under section 23 of the Punjab Public Safety Act should be taken against those persons who were arranging mock funerals of Chaudhri Muhammad Zafarullah Khan?

A. This recommendation was commented upon by the Home Secretary who thought we should not use the Public Safety Act in this connection and the Chief Secretary agreed with him. I also agreed with the views of these officers.

Q. Did not the Home Secretary say in his note on this subject that it had become necessary to remind the Ahrar of the breach of the assurances that they had given earlier?

A. Yes, a suggestion to this effect was made by the Home Secretary to me in this note.

Q. Did you do anything?

A. In my speech in the Muslim League Council, dated the 27th or 28th July, I had clearly asked the Ahrar leaders publicly to adhere to their undertakings and observe law and order. I had also asked them to fulfil their obligations not only by remaining peaceful, but also by protecting the life, dignity and honour of the people. I did not, therefore, when the

file came to me on the 30th July 1952, consider it necessary to have any further interview with the Ahrar leaders.

To counsel (continued):-

Q. Did the report, mentioned in the D.I.G., C.I.D.'s note, dated the 21st July 1952, in file No:16(2)107, Vol:II, page 15, come to your notice?

A. Yes. It merely shows that leading members of the Majlis-i-Ahrar intended to abide by the assurances they had given to me earlier, the only dissident being Sayyed Ata Ullah Shah Bokhari.

Q. Did you read this note of the D.I.G., C.I.D.?

A. Yes.

Q..After reading this note of the D.I.G., C.I.D., why did you not take any firm action?

A. No action was suggested by the D.I.G., C.I.D. and the source report, referred to in the note, was favourable to Government policy.

Q. Did a deputation of the Majlis-i-Amal wait on you on the 4th September 1952, as reported in the "Zamindar" of 1st September 1952?

A. I have no recollection of the date. As I have already stated, in September a deputation, either of the

Majlis-i-Amal or the Majlis-i-Ahrar, came to me and discussed certain matters which were within the sphere of the Provincial Government.

To Court:-

Q. It is stated in the "Zamindar", dated 1st September 1952, that, after meeting you on the 4th of September, the Majlis-i-Amal were to chalk out a programme. Can you now recollect in what connection and on which precise date the deputation waited on you?

A. I can still be not definite.

To Munsifi (continued):-

Q. Did you see the note, dated the 9th September 1952, by the D.I.G., C.I.D. in file No:16(2)107, Vol.II, page 203?

A. Yes. It was rather a satisfactory report in which Nazir Ahmad, S.P.(B) had said: "The Ahrars are now fighting a losing battle. Their agitation is on the wane. It is now confined only to Mullas and Imams of mosques who have got small heads, long beards and narrow visions."

Q. Did you, in this connection, see the secret report, dated the 8th September 1952, at page 201 of this very file, giving a programme to be observed in connection with the Khatm-i-Mubuwwat movement throughout the Province?

A. Probably.

Q. Did you see Khan Qurban Ali Khan's note, dated the 31st July 1952, in file No 16(2)103, Vol. IV, page 2, in which it is stated: "This is the outcome of agitations in defiance of law. One lawlessness breeds another lawlessness and unless some preventive method is possible, it ends in a revolution. This is a lesson of history which may be delayed but cannot be belied."?

A. Yes.

Sd/-M. Munir.
PRESIDENT

21st January 1954.

Sd/-M. R. Kayani
MEMBER.

Proceedings adjourned till tomorrow, the 22nd of January 1954, when the examination of Mian Munta Muhammad Khan Daultana will be resumed.

Sd/-M. Munir.
PRESIDENT

21st January 1954.

Sd/-M. R. Kayani
MEMBER.

22nd January 1954.

91st Sitting.

P r e s e n t :

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member.

-:) oo 0 oo (:-

Mr. Faiyaz Ali, Advocate-General of Pakistan,
for the Central Government.

Mr. Fazal Ilahi, Advocate, assisted by Mr.
Ijaz Ali, Advocate, for the Punjab
Government.

Mr. Muhammad Yaqub Ali Khan, Advocate, for
Mian Mumtaz Muhammad Khan Daultana.

Mr. Abdur Rahman Khadim, Advocate, for Sadr
Anjuman Ahmadiyya, Rabwah.

Mr. Nazir Ahmad Khan, Advocate, for Jama'at-i-
Islami.

Maulana Murtaza Ahmad Khan Maikash, Member,
for Majlis-i-Amal, in person.

Witness No:138.

Mian Muntaz Muhammad Khan Daultana continued on solemn affirmation:-

Cross-examination by Mr. Fazal Ilahi, counsel for the Punjab Government:-

Q. Please look at file No. 16(2)-127 relating to the Khatm-i-Nubuwat Conference held at Lyallpur on 26th and 27th September, 1952, which was addressed, among others, by Sayyid Ataullah Shah Bokhari. D.I.G., C.I.D., in his note dated the 28th October had recommended Bokhari's restriction. This note was put up before you on 30th October and you ordered that it should be put up at a meeting to be held in December. Will you state why you did not pass immediate orders on this case and why you did not accept the recommendation of the D.I.G., C.I.D.?

A. The position, as is apparent from the file, is that on the noting of the D.I.G., C.I.D., referred to above, a recommendation was passed by the Home Secretary to the effect that Government should review the situation. His specific suggestion was

that a meeting of the officers should be called after the forthcoming Muslim League Conference in Lyallpur which was taking place in the first or second week of November. On this the only action that was appropriate for me to take was to accept the suggestion of a meeting to discuss the situation after the Lyallpur conference. The case was then submitted to me on the 26th of November for fixing a date of the meeting. I fixed the meeting for the 8th of December. The meeting could not be held on that date because of the preoccupations of the I.G. and the Home Secretary. When these officers were free, the meeting was held on the 24th of December. It was decided therein that legal action should be taken where a speech offended against a provision of the law.

It was not considered necessary to take any further action.

Q. Had not the Home Secretary in his note dated the 29th October on this case remarked that the tone and tenor of the speeches delivered by the Ahrar leaders was marked by their "mischievous and highly objectionable nature" and that the Government should review the whole position?

A. Yes.

Q. Similar action was suggested against Maulana

Muhammad Ali Jullundri on 24th November 1952 in file No: 16(2) 129. Why did you not act immediately in that case?

A. It is not correct to state that any action against Maulana Muhammad Ali was proposed in this case by the D.I.G., C.I.D. or the Home Secretary. This file came to me for information on the 28th of November and was one of the files which was to be taken up for consideration in the meeting of 24th December. The decisions taken at the meeting covered this case also.

Q..Did you not notice that the speeches alleged to have been made at the meetings which were reproduced in the note of the S.P.(B) dated 4th November were highly objectionable and required some action?

A. I was not required by this note to consider the exact nature of the speeches or to what action they were liable at that stage. There are indications on the file how the general question had to be

tackled.

- Q. Did File No: 16(2) 128 relating to the Khata-i-Mubawwat Conference held in Sialkot on 9th and 10th November, come to you? In this case Muhammad Ahmad Qadri was alleged to have made some very objectionable remarks about the Hon'ble Prime Minister. What action did you take on this?
- A. The remarks of Muhammad Ahmad Qadri were of a humorous nature. No action was suggested by any noting officer. This case also was governed by the decisions taken on the 24th December.

Q. Did the note of S.P.(B) dated 22nd December 1952 in File No:16(2)103, Volume VII, page 1, recommending action against the "Azad", come up to you for orders?

A. I would draw attention to the note of the D.I.G., C.I.D., on the file forwarding the report of the S.P.(B) to me. This note reads as follows:-

"H.S. may kindly see. It is significant that a copy of the article has been forwarded without comments. The article as it stands is clearly punishable under section 153-A, P.P.C., and section 21 P.P.S.A. The Central Government have given no guidance, and this is exactly what we have been deploring so far. In view of the apathy of the Central Government, I do not think that the Provincial Government should initiate proceedings."

In the end he says:-

"I will talk to Master Tajuddin Ansari when he returns from Karachi. He is expected to return after the end of this month."

This noting was agreed to by the Home Secretary and I concurred on 5.1.53.

Q. If it was decided in the meeting of 24th December that action was to be taken against those who contravened any provisions of law, why was not the suggested action taken in this case?

A. This was not a question for me to decide. Views had been expressed by the D.I.G., C.I.D., and agreed to by the Home Secretary. The D.I.G., C.I.D., had probably intended to speak to Master Tajuddin before suggesting more specific action. Had any further action been considered advisable by the officers, I would undoubtedly have agreed to it.

To Court:-

Q. Do you know if any action was taken after the 24th December 1952, against those who, in their speeches or writings, had contravened the law?

A. I cannot say. The officers concerned should be able to answer this question.

Q. Was the note of the D.I.G., C.I.D., based on the Government of Pakistan's letter dated the 21st/22nd November 1952, with which that Government referred to you an article published in the "Azad" of the 12th

November, for disposal?

(Note:- The article to which the Central Government refers, begins thus:

"آخر تک ایک رانی و خرابی غنڈھے اور بد معاش مغتری و کاذب اور دجال کو اس ملک میں ہمارے حکام میں مسیح موعود اور اعتدار محمد کے نام سے پکارے جانے لگتے ہیں اور ایک ایک امت کی مقدس اور مطہر ماؤں کو ایک ننگ انسانیت محبت کیلئے اپنی قبروں میں چھین پھونپڑاؤ۔"

A. Yes.

Q..Did you read this "baqiya leader" or the note of the S.P.(B) which translates the passage substantially?

A. I have no recollection of having read the article or the note. My attention was directed to the fact that the D.I.G., C.I.D., wanted to take some action after meeting Master Tajuiddin Ansari, and I was not required to give any particular decision. The question of taking action against objectionable writings or speeches had been previously decided upon and the policy was quite clear. No reference was made to me to clarify any ambiguity in the order or to take specific instructions about a particular case.

(At this stage, Mr. Fazal Ilahi produces the following files which bear the initials of the witness at different places. Mr. Yaqub Ali Khan on behalf of the witness states that the initials are not denied and that he will not object to these files being referred to in the course of arguments.

List of files produced

- | | |
|------------------------|---|
| 1. 16(2)103, Vol.III - | pages 1, 15, and note dated 25.7.52 by the witness. |
| 2. 16(2)110 - | pages 226, 227 (correspondence). |
| 3. 16(2)120 - | pages 5, 6 and 18. |
| 4. 16(2)105 - | pages 3 and 4. |
| 5. 16(2)98 - | page 3. |
| 6. 16(2)111 - | pages 9 & 10 & 1 (correspondence). |
| 7. 16(2)99 - | pages 15, 16, 17 and 18. |
| 8. 16(2)100 Vol.I - | pages 63 & 64 (correspondence) |
| 9. 16(2)102 Vol.V - | pages 13 and 14. |
| 10. 16(19)131 - | pages 1 and 2. |

All the incidents mentioned in these files, with the exception of one, relate to a period after the Ahrar had given the undertaking of the 19th July.)

Q. Was it decided on the 27th February, after Mr. Chatha and some of the Punjab Government officials had returned from Karachi with instructions from the Centre, that the District Magistrates should be informed to take firm action?

A. At the meeting of the officers concerned held on the 27th February I was present and it was decided that the firmest possible action must be taken to curb the movement and suitable steps taken by the officers to communicate this position to everybody concerned in the Province.

Q. Why was it decided at the conference that only a letter should be issued to the District Magistrates and why was it not thought necessary that the situation should be signalled to them immediately for speedy action, in the same manner as the direction to arrest certain leaders was signalled?

A. As far as I am concerned I am not aware of the detailed manner in which the communication was to go to the District Magistrates. It was made clear to the officers that strong action should be taken and everybody concerned should be informed. As to how they should be informed, it was for the officers to decide.

Q. Please look at the letter issued by the Chief Secretary

on the 28th February. This does not direct the District Magistrates to take any firm or strong action. On the other hand, it directs that no further arrests should be made by the District Magistrates. How is that? ✓

A. The letter in question was not issued with my approval and I do not know anything about it. The policy laid down in the decisions of the 27th February was not varied from as far as I know. As to what actual steps were taken, unless they were particularly brought to my notice, I cannot be held responsible. ✓

Q. Why did you not, in the meeting of the 27th February, take a decision that the District Magistrates were to take firm and strong action?

A. Such a decision was taken, though it might not have been recorded in the proceedings.

Q. Was the cypher telegram, dated the 27th February 1953, from the Pakistan Government indicating its attitude towards the demands, shown to you?

A. Yes.

Q. Did you order that a copy of this telegram should be sent to the District Magistrates confidentially?

A. I am not aware that any action was taken but that action must be taken by the Chief Secretary.

Q. Did you communicate this policy of the Central Government to the League organisations in the districts?

A. No. There was no time for mobilising the opinion of the Muslim League.

Q. Was it expected on the 27th February that by the 6th March either Martial Law would be declared or something very drastic will happen so that you felt that there was no time for mobilising opinion?

A. No. It is quite possible that if we had called a meeting of the council of the Muslim League, we might not have been able to influence or convince them.

To Court:-

Q. Did not you think that if the attitude communicated by the Central Government in the cypher telegram had been communicated to the branch organisations of the Muslim League, the leaguers would not have taken the active part that they actually did in the agitation when it started? ✓

A. The vast majority of the Muslim League workers

did not take any active part in the agitation. After the 27th of February every Muslim Leaguer was bound by the discipline of his party to have held himself aloof from the agitation and not to have taken part in any illegal activity, because civil disobedience had been threatened against a Muslim League Government. It would have made no difference to them if they had been told in addition that the policy of the Government was to reject the demands.

To Counsel continued:-

Q. Did you when you received the cypher telegram, accept its contents as your policy?

A. I accepted this as a direction of the Central Government.

Q. Binding on you?

A. Yes, to the extent that any instruction of the Central Government is binding on the Provincial Government.

Q. Not as President of the Pakistan Muslim League?

A. No.

Q. Was this also a reason why you did not communicate the decision of the Central Government to the branches of the Muslim League?

A. No.

Q. Is it a fact that some Muslim League M.L.As. from Gujranwala saw you on 8th March in connection with the attitude to be adopted by them?

A. Absolutely not. The attitude had been made clear in the Muslim League Resolution adopted on the 11th.

Q. Did the following M.L.As. or office bearers of the Muslim League see you between the 27th February and 6th March, to take instructions regarding the attitude to be adopted:

1. Sh. Muhammad Saeed, Parliamentary Secretary,
2. Mirza Mazhar Husain, President District Muslim League, Jhelum,
3. Raja Khair Mehdi, M.L.A., Jhelum,
4. Nawabzada Muhammad Saeed Qureshi, M.L.A.

A. I do not remember the names or the dates but some Muslim League M.L.As. and office bearers did see me during the disturbances. I told them that the movement and the agitation must be resisted by all methods at their disposal.

Q. Did the statement Ex.D.E. 333 purporting to be issued by Nawabzada Muhammad Saeed Qureshi, Sh. Muhammad Saeed, Chaudhri Mushtaq Ahmad Khan, Raja Khair Mehdi and Mirza Mazhar Hussain, published in the "Asar" of 6th March 1953, come to your notice?

A. I do not think I saw this statement before.

Q. Did you suggest the imposition of Martial Law in Lahore?

A. The position is clarified in my written statement.

Q. Did you ask the Central Government to impose Martial Law?

A. No. As I have said, the whole position is made clear in my written statement. At 12.30 a.m. on the 6th, we told the G.O.C. that we could not control the situation and that he should take it over. We did not, however, use the words "Martial Law". He contacted the Centre and after a few minutes told us that he had received instructions from Karachi to declare Martial Law.

To Court:-

Q. Was the appeal issued after you had asked Major-General Muhammad Azam to take over?

A. No. It had been issued before that.

To Counsel contd.-

Q. If the Cabinet had taken a decision on 5th March to hand over to the military if the police could not control the situation, why did you not then, seeing that the situation was going completely out of control on 6th March, hand over to the military, instead of issuing an appeal to the public?

A. The reasons which induced me to issue the appeal on the 6th have been given in detail in my statement throughout the course of my examination. It was a last desperate effort on my part to control the situation.

(Note:- Mr. Fazal Ilahi produces the Chief Secretary's letter to all District Magistrates, dated the 10th March, 1953, accompanied by copies of two press communiques issued by the Central Government, one dated the 27th February and the other dated the 6th March, 1953.)

Q. When did you receive the telegram containing the press communique of 6th March, 1953?

A. The file does not show that I ever saw it. The necessary action on it was taken by the Chief Secretary by issuing the letter of the 10th.

Q. What general directions to control the situation were given by you to the other districts after the proclamation of martial law in Lahore?

A. The position in the districts was clear from the very beginning. Very clearest instructions had been given to them to use the firmest methods to control the situation. The rigour of these directions was never mitigated or varied.

Q. Did you intend the appeal of 6th March to have in the nutshell the effect of abrogating earlier instructions that had been issued?

A. No.

Q. Did you receive reports from districts that the appeal had had an adverse effect on the law and order situation?

A. My impression is that from some districts, immediately after the appeal, I received information that it was having a calming effect. From others I received

information that it was having no effect.

I do not remember having received any communication from any District Magistrate to the effect that the appeal had worsened the law and order situation.

Q. Were you not advised by Mr. Aziz Ahmad, Cabinet Secretary, and Mr. Iskander Mirza, Defence Secretary, to recall your appeal of the 6th?

A. They had no business to do so. They did come here on the 7th or 8th March to watch the situation. I also had a talk with them in the presence of our Governor, but there was no question of any advice being given by them.

To Court:-

Q. Did they give you any advice?

A. No. They were, however, aware that the appeal of the 6th did not have the desired effect and that I intended to issue another appeal on the lines of the appeal of the 9th.

Q. Did you ever discuss the situation arising out of the Ahrar-Ahmadiyya controversy in a formal meeting of the Cabinet from May 1952 to 5th March 1953?

A. The usual practice to hold a recorded formal meeting of the Cabinet is that whenever there is some controversial subject requiring a ministerial decision, it is placed before the whole Council of Ministers. No such file or issue was formally placed before the Council of Ministers for decision, the record of which has been kept. The whole situation of law and order and of the anti-Ahmadiyya

agitation was constantly discussed in meetings attended by all the Cabinet Ministers and the officers concerned, and every decision taken by me had throughout the fullest support and concurrence of each one of my colleagues.

To Courts:-

Q. Were the minutes of any such Cabinet meeting kept?

A. No.

Q. In his note, dated the 22nd May 1952, (file No:16(2)94), Khan Qurban Ali Khan had suggested a meeting of the Ministers, the Chief Secretary, the Home Secretary, the D.I.G., C.I.D., and the Inspector-General of Police. When the Home Secretary asked you for instructions regarding this meeting, you restricted the meeting to officers only. Why did you not consult the Ministers?

A. The note of the I.G.P. does not call for a meeting of the Cabinet. Had that been his intention, he would have prepared a suitable memorandum for a Cabinet meeting and on that I would have noted that it might be put up before the Cabinet on such and such date. What he suggested was an informal meeting of Ministers like the one we had frequently held when deciding upon other matters of policy,

such as agrarian reforms etc. I do not know the reason why on that occasion such an informal meeting, which the other Ministers might have attended, was not called, but such informal meetings to consider the situation were frequently held.

To Counsel (continued):-

Q. Were you aware that some of the ulama, who took part in the agitation or were members of the Majlis-i-Amal, were being paid by the Department of Islamiat?

A. No.

Q. Did Mustafa Shah Gilani accompany you to Sheikhpura for a Muslim League meeting there on the 9th of February 1953?

A. I do not remember.

Q. Was he from the very beginning a very staunch supporter of the demands?

A. Yes.

Q. Is it a fact that Master Taj-ud-Din Ansari met you on the 11th of February 1953?

A. Yes. He came alone and said that he wanted to discuss the matter with me in the presence of Maulana Abul Hasanat. I agreed to this and they both came to me on the 13th February.

Q. Do you know that the disturbances outside the Muslim League office, when a meeting of the Provincial Muslim League took place there on the 26th and 27th July 1952, were caused by the Ahrar?

A. What I am aware of is that the people who took part in the disturbances were mostly riff-raff. I have no knowledge if any prominent Ahrar leader was at the back of it.

Q. Did you use to receive the "Police Abstract of Intelligence" and the Lahore daily diary?

A. All documents that came to me used to be initialled by me.

Q. Did you receive the Lahore daily diary for the 27th July 1952, Ex. D.3/334?

A. I do not remember.

Q. Were the "Chatan" and the "Asia" banned by you for one year under the Punjab Public Safety Act in June 1952?

A. They were banned, but not for having expressed any political views.

22nd January 1954.

Sd/-M. Munir
President.

Sd/-M. R. Kayani
Member.

Proceedings adjourned till tomorrow, the 23rd of January 1954.

22nd January 1954.

Sd/-M. Munir
President

Sd/-M. R. Kayani
Member.

23rd January 1954.92nd Sitting.P r e s e n t :

Hon'ble Mr. Justice Muhammad Hanif,

Chief Justice,

President,

Hon'ble Mr. Justice H. R. Kayani,

Member.

-oOo-

Mr. Faiyaz Ali, Advocate-General of

Pakistan for the Central Government.

Mr. Fazal Ilahi, Advocate, assisted by Mr.

Ijaz Ali, for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate, for

Mian Muntaz Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by

Mr. Abdur Rahman Khadim, Advocate, for

Sadr Anjuman Ahmadiyya Rabwah.

Mr. Nazir Ahmad Khan, Advocate, for the

Jama'at-i-Islami.

Maulana Murtaza Ahmad Khan Maikash, Member,

for Majlis-i-Amal in person.

Witness No:138 (continued)

Statement of Mian Muntaz Muhammad Khan Daultana,

on S.A. (Continued) —

To Mr. Fazal Ilahi (continued):-

Q. How many times did you ring up the Centre on the 6th of March?

A. To the best of my recollection I rang up Karachi twice on the 6th.

Q. Supposing the demands are rejected and the people still express their differences on religious views, what will be your attitude?

A. In this matter I will be guided by the opinion of the General Secretary of the Pakistan Muslim League.

Q. Will not you have an opinion of your own?

A. As a true politician my opinion should be the opinion of my organisation.

Q. You have said that you gave no direction to any one not to arrest Maulana Akhtar Ali Khan and to ban the "Zamindar". The Home Secretary has stated in his note, dated the 28th February 1953, at page 4 of file, Ex.D.E.306, that, in view of the categorical and almost abject undertaking given by Maulana Akhtar Ali Khan to behave himself, you had desired that for the time being action against him should be stayed. Is this recital correct?

A. Yes, but it is not inconsistent with what I have stated earlier or with my written statement. Maulana Akhtar Ali Khan was to be arrested on the 27th February. On that very night, when the officers went to arrest him, he offered an unconditional written apology to the Inspector-General of Police, who, on his own initiative,

did not effect his arrest then. The next morning, that is, on the 28th February, the decision was communicated to me in the presence of the Governor-General and the Governor and we all agreed with it. The information that Maulana Akhtar Ali Khan had not actually been arrested, because he had given an apology, was communicated to me for the first time at the aerodrome on the 28th morning.

Q. I put it to you that the Governor-General's plane left the aerodrome on the 1st of March and not on the 28th February. Is that so?

A. I do not know this. As far as I remember, the Governor-General left on the day following the day on which Maulana Akhtar Ali Khan was to be arrested.

Q. Can you give us some idea on which date you deputed Sheikh Fazal Ilahi Piracha to arrange to distribute some pamphlets in the mosques?

A. I did not instruct him to distribute any posters or leaflets, though either on the 3rd or on the 4th or 5th of March it was intended to have some leaflets containing an appeal for the maintenance of law and order distributed in the mosques on the coming Friday and the Imams were to be requested to use their influence on the

congregations.

Q. The D.I.G., C.I.D., in his note, dated the 20th February 1953, in file No:16(1942), has stated that the D.P.R. was to be instructed by the Home Secretary to send for Maulana Abul Hasanat, Tarannum and Muhammed Bakhsh Muslim and advise them to refrain from making speeches which amounted to incitement to violation of law and order and to send for Maulana Akhtar Ali Khan to be spoken to separately. This note was recorded by him after he had discussed the case with the Home Secretary and yourself that very morning. Can you recall if those directions were given to the D.P.R.?

A. If the file so recites, it must be correct.

Q. Do you agree with the Objectives Resolution of the Constituent Assembly?

A. It was accepted by the Muslim League Assembly party and, I think, I voted for its acceptance.

To Mr. Faizaz Ali, Advocate-General, Pakistan:

Q. Is it not a fact that the momentum of the agitation had increased when you assumed office as Chief Minister?

A. I do not think it presented a particularly grave situation when I took over.

Q. When did you first realise that the movement had become a menace to the peace and order of the country?

A. The movement gained a really appreciable force after May 1952, when the Johangir Park meeting took place.

Q. Did it continue gaining steady momentum till March 1953?

A. The process was not gradual. The movement assumed great importance in June and July 1952. Then, it is my impression that from August to November 1952 the law-and-order situation was not so acute.

Q. I am not asking you about the law-and-order situation particularly. I want to know whether the agitation itself gained momentum gradually?

A. Towards the end of the year 1952, the impression that I gathered from reports from the districts was that the movement was losing ground and that people were losing interest although the usual speeches were being made, because other problems were coming to the forefront to attract attention. ✓

Q. Do you think that the cooperation of the Ulama added weight and strength to the movement?

A. It is my opinion that the Ulama were mainly responsible for the demands and they made efforts to get them accepted.

Q. Do you think that their "coming" into the movement, which was originally sponsored by the Ahrar, added weight and strength to it?

A. If by Ulama you mean persons other than the Ahrar, I think they gave the movement a broader basis and added to its attractiveness.

Q. Is it not a fact that if you had placed your views or the views of your Government before the Centre regarding the rejection or acceptance of the demands, it would have helped the Centre to come to some conclusion?

A. In this matter the leadership of the country was not divisible. I myself was a part of the leadership which should have decided this question.

Q. I say that you have made a grievance of the fact that you were keen on the Centre clarifying its position regarding the demands, but that they did not. Is it not true that if you or your Government had informed the Central Government or the Central leadership about your own views regarding the rejection or acceptance of the demands and its possible reaction, it would have helped the Central Government to come to some conclusion?

A. I was, at all stages, willing to play my full part in the Central leadership in coming to a decision in the matter. I showed no reluctance.

Q. What I want to know is whether, as head of the "Provincial Government", if you had presented your views to the "Central Government" as distinguished from "Central leadership", it would not have helped that Government to come to a decision? ✓

A. In the first place, I find it difficult to make any

distinction between the Central Government and the Central leadership. If, however, the Central Government had told me that a clarification of my own personal views on the subject would assist them in coming to a conclusion, I would not have hesitated to do so, to the best of my ability.

Q. Why did you find it necessary that the initiative should be taken by the Central Government?

A. Because the demands were of a nature that they could only be authoritatively decided upon by the Central Government or the Central leadership.

Q. Why did you not disclose your mind?

A. My Government would not have had a mind.

To Court:-

Q. When Mr. Muhammad Hussain Chatha, the Home Secretary and the Inspector-General of Police, were sent to Karachi on 26th February, did you tell them what the view of the Punjab Government was on the merits of the demands?

A. The merits of the demands were never commented upon. The views of the Punjab Government were that, whatever the merits of the demands, the Government could not be

expected to yield and it must not yield, to a threat of civil disobedience and illegal action,

Q. Did you not tell them that the demands were reactionary and that their acceptance was to be opposed?

A. So far as Mr. Chatha was instructed by the Cabinet, he could only have said that the manner of presentation of the demands was reactionary and utterly unconstitutional.

Q. Did you call a meeting of the Cabinet before you gave them instructions?

A. All the Ministers collected together.

Q. Was it a regular meeting of the Cabinet?

A. It was not a regular meeting in the sense that an agenda had been issued previously or that the Chief Secretary was present.

Q. Had you formed any views on the merits of the demands when you sent the Punjab representatives to Karachi?

A. My views were that these demands were being based on a religious doctrine. As far as the doctrine of Khata-i-Nubuwat is concerned, I have unreserved faith in it.

I consider it to be a fundamental creed of Islam. This is not only because the personality of the Holy Prophet is held in deep veneration by the Muslims, but because from Khاتم-i-Nubuwwat is derived the finality, immutability and purity of Islam, which has given a certainty of faith to the Islamic way of life. But I was not qualified and am still not qualified to say what are the exact consequences of disbelief in this doctrine. The faith of a person who does not believe in this doctrine would, I admit, differ materially from the faith held by the generality of Muslims, but whether such a person ceases to be a Muslim or not, I cannot say. The conclusions of the sponsors of the Khاتم-i-Nubuwwat movement were derived from the assertion that such a person ceases to remain a Muslim. If I were shown clearly by the authorities competent to pronounce upon this subject, that this was the consequence, I would accept it, but, in my opinion, no individual can take this decision. It can only be taken by authorities whose verdict is regarded as binding by the generality of Muslims in Pakistan, whether it be the Constituent Assembly, or a body of Ulama so recognised, or, under the proposed

constitution, the Supreme Court. Left to myself and without any authoritative clarification of the consequences of disbelief in this doctrine, I would be very hesitant indeed to presume about a person who claims to be a Muslim, that he is not a Muslim.

Q. This would be your religious view as a Muslim. We wanted your views as head of a Government.

A. As head of a Government, I am not supposed to have any views on a religious subject.

Q. Then is it your opinion that no head of Government should have any views on a religious subject, when it impinges on his administration?

A. That is a difficult question to answer.

Q. Did you form any views on the demands on the 6th March?

A. No, not on the merits of the demands. The position was that an enormous majority of the people were in favour of these demands and, therefore, in deference to such a popularly stated demand, we were prepared to place them

with our support, before the Central Government.

To Court:-

Q. Should we take it that on the 26th February you were not aware of any popular support in favour of the demands?

A. My impression was that we would be able to control the law-and-order situation arising out of the illegal attempt to force an acceptance of these demands.

Q. Was it then the intensity of rioting that made you express your views in favour of the demands on the 6th?

A. Yes.

To Mr. Faiz Ali continued:-

Q. Did you not think that the most important of the three demands was the demand for declaration of the Ahmadis as a minority?

A. Yes.

Q. Did you also think that this was a matter which could be decided by the Constituent Assembly and not by the Central Government?

A. Yes.

Q. Why did you not as a member of the Constituent Assembly place the matter before it yourself or

through some other member?

A. This would have been a gross breach of discipline.

I as a member of the Constituent Assembly could have only moved through the party.

Q. Did you as President of the Provincial Muslim League place the matter before the All Pakistan Muslim League or its Council?

A. The matter was already before the Council because many resolutions on this subject had been sent by members of the Muslim League Council. At a meeting of the Working Committee held immediately before the meeting of the Council, I urged my point of view that we should at that stage make up our mind and give a lead to the Council by taking decisions.

Q. Who moved these resolutions?

A. One of the resolutions was tabled by Mr. Gazdar.

Q. Did the Working Committee decide to shelve the matter?

A. It amounted to that. This was in October 1952.

Q. Did you or your party in the Punjab make any attempt after October 1952 to force the issue with the All Pakistan Muslim League Council?

A. My intention was not to force the issue against the wishes of the Central leadership.

Q. What do you mean by "Central leadership" ?

A. I mean the persons responsible for framing the policy of the Muslim League and the final authorities for running the Governments of the Muslim League under the directions of the organisations. This would include the most important Members of the Central Cabinet, the Chief Ministers of the Provinces, the Presidents of the Provincial Muslim Leagues and the members of the Pakistan Muslim League Working Committee.

Q. Is it not a fact that if the demands had been rejected by the Central leadership, this decision would have given a fillip to the agitation? ✓

A. That depends on the time when the decision was taken.

Q. Supposing the decision had been taken in October 1952? ✓

A. It would have been a difficult political situation for the Muslim League to face. It would have been more difficult if it was still later because

more people would have been aroused by them.

Q. Can you say when it would have been safest to reject the demands?

A. I cannot answer the question with the preciseness of a scientist. ✓

Q. Did not your Government hold the view that acceptance of the demands was politically and administratively not feasible? ✓

A. The position was never presented to us in that light.

Q. By whom? ✓

A. I mean, the occasion did not arise.

Q. Did the occasion arise in some form or the other when you went out to address the people, say in Paurur?

A. The occasion for a categorical expression of view did not arise. I had, however, never made a secret of my views that there was much to be urged against the acceptance of the demands. I have made this point quite clear in my written statement. ✓

Q. If the Central leadership had pronounced precisely about rejection or acceptance of the demands, in what particular respect would it have helped you?

A. Firstly, it would have given a political guidance to the people. That political guidance would have been backed with the enormous influence, prestige and organisation of the Muslim League. The Muslim League throughout this agitation was immobilised and was in confusion. That immobility and confusion would have been removed. Secondly, there might not have been any law-and-order situation if the Government had accepted the demands. If, however, the Government had clearly stated that the demands were wrong, then it could have been urged that the raising of the demands was unjustified, that it was against the interests of the country and therefore it would have been politically easier to take punitive action of the nature of banning the very enunciation of the demands.

Q. What steps did you take to bring the situation under control after you had received the telegram of the Central Government on 27th February?

A. These steps are mentioned in my written statement and the statements of other officers.

Q. Could not those steps be taken before the 27th?

A. No.

Q. Why not?

A. On the 27th of February we were fighting against a civil disobedience movement. It was a movement sponsored by some persons with the distinct object of breaking the law and having recourse to unconstitutional and illegal means. Before the 27th, there was no civil disobedience movement or any patent violation of the law in an organised manner. Therefore action before that date had to be of an individual nature.

Q. Did you want the Centre to give an open decision which could be proclaimed to the people?

A. Yes.

Q. Is it a fact that your statement of the 6th March was printed and distributed through aeroplanes?

A. I do not know what steps were taken but the intention was to publicise the statement.

Q. When did you or your colleagues decide to make this statement?

A. It was after 10.30 a.m. when I had spoken to the Prime Minister on the telephone.

Q. Was the statement printed after 10.30 ?

A. I cannot be sure of the time.

Q. Could you expect publicity being given within two hours?

A. Not all over the Province, but it could be broadcast in Lahore in a very short time.

Q. When did you receive reports of the result?

A. Within an hour of the publication of the statement.

Q. When was it published?

A. Before Juma prayers, may be between 11.30 a.m. and 12.30 p.m.

Q. Did you consider it necessary to consult the Centre before you published the statement?

A. Yes, and I tried to.

To Court:-

Q. Did not the Prime Minister, in the course of the telephonic conversation with you, tell you not to issue this statement until he had spoken to you again?

A. He merely asked me to wait, I waited and then the telephone broke off.

To counsel (continued):-

Q. What did he exactly say? Did he not say that he had to consult his Cabinet, which was at that time in session, before he expressed his opinion?

A. What he said was "wait", to which I said that it would not be possible for me to do so, because I apprehended that the telephonic connection would be cut off.

Q. Did he say that the Cabinet meeting was on?

A. I knew that it was on.

Q. When was the telephonic connection again obtained?

A. At about 12.30 p.m.

Q. Did you then try to obtain an answer from the Centre?

A. By that time I had issued the statement.

Q. Was your attitude towards the Ahir one of indulgence?

A. No.

Q. Did you try to be fair to them by granting withdrawal of cases against them?

A. No, there was no question of being fair to them. The question was one of expediency.

Q. Was it not brought to your notice that, despite their having given repeated assurances, they were going back upon their promises?

A. Yes. After the agreement it was brought to my notice from time to time that certain Ahir leaders were indulging in provocative speeches, but the general policy of the Government was that all speeches which were actionable should be proceeded against. At the same time, reports from various districts communicated to me showed that the agitation was not on the increase but was actually on the decrease.

Q. With this background of experience of the conduct of the Ahrar, could you reasonably expect any response to the statement of the 6th March?

A. On the 6th March, the Ahrar were completely out of question, because most of them were in prisons. The effort on the 6th was to bring some measure of sanity to the common people who had gone mad in frenzy.

Q. According to you, files were sent to you either for information or for action. Do I understand that when they were sent to you for information it was intended that you should not take any action? ✓

A. On files which were merely sent to me for information it was not the correct procedure to give orders. Orders were given on files which solicited them. ✓

Q. Suppose a glaring case of "inaction" by the D.I.G., C.I.D., or the Home Secretary came up to you merely for information would it not be right for you to take action?

A. Yes, only if the case were one of a glaring mistake.

Q. When you called the military aid, did you make an effort to ascertain from the persons acquainted with such matters, the manner in which military aid could be utilized? ✓

A. It was not my job.

Q. Whose job was it then?

A. That of the police or the District Magistrate.

Q. Did you ever ask the police authorities or the

District Magistrate in what way they were to utilize

the aid of the military?

A. In the usual way.

To Maulana Murtaza Ahmad Khan Naikash (by permission):-

Q. Do you remember that some district branches of the Muslim League had given notices of moving a resolution in favour of the demands at the coming session of the Council?

A. My impression is that notices of certain resolutions were sent but only the records will give the correct position.

Q. Do you recollect that the Ahrar leaders had issued a public statement, completely dissociating themselves from what had happened outside the Muslim League office on 27th July 1952 ?

A. I think some such statement was issued.

Q. Did not a deputation of Majlis-i-Amal go to Multan after the Yup incident in order to make efforts for restoration of law and order?

A. I think they did. The Commissioner and Sheikh Fazal Ilahi Piracha told me of the good effect that the persuasion of the deputation had produced.

Q. What would have been the popular reaction if it had been publicly proclaimed that on the authority of the cypher telegram of 27th February, the Central

Government was against the demands?

A. It is, of course, possible that this telegram might have given more opportunity to the agitators to inflame the public, but actually the movement had assumed such tremendous proportions that it could not have been much worse.

Q. How do you say that the "rast idam" to be taken on the 27th February, amounted to civil disobedience?

A. We were so informed by the Central Government that the leaders of the Ahrar had decided to start civil disobedience and that every effort must be made to control the situation.

Q. Were the Ahrar guilty of any violence after they gave the undertaking to you on the 18th July?

A. Only records would show that. I am, however, not aware of any serious incident of violence during that period.

Q. Can you say whether Mr. Fazal Ilahi, the counsel who is presenting the Punjab Government's case, was in favour of the demands in July 1952?

A. He was a member of the Muslim League, but I do not know whether he expressed his views.

To Mr. Nazir Ahmad Khan, Advocate, on behalf of the
Jama'at-i-Islami, (by permission);-

- Q. Did Khwaja Nazir Ahmad ever see you and complain to you that Maulana Maudoodi had sent to him a threat to burn the "Civil & Military Gazette" premises?
- A. No. He never saw me in this connection.
- Q. You have said in your written statement that on 5th March, more firing had taken place in Lahore than on any other previous occasion in the course of a popular agitation. On what is this statement based?
- A. This was my impression when I drafted the written statement, but it is not based on any concrete information.
- Q. You have said in your written statement that in the meeting which was held at your residence on the night of 4th March you were not satisfied with the measures to be adopted to deal with the situation. Will you explain what you mean by this?
- A. I have already explained this in my evidence.
- Q. Were you then of the view that the situation could be better controlled if the military

were called not only for show but for action?

A. The whole purpose of that early- morning meeting was to bring the military into effective use.

To Court.

Q. Were not the demands based on a religious doctrine?

A. Yes.

Q. It is stated in a letter received from the Central Government that Mr. Muhammad Hussain Chatta, in the conference held on the 26th February, took the line that as the demands made by the agitators were unreasonable, they could not be and should not be accepted. Had you given these instructions to him ?

A. No. No instructions on behalf of the Punjab Government were given to him in respect of the merits of the demands. ✓

Q. Did you think it to be a constitutional measure to hand over to the military if the disorder could not otherwise be suppressed?

A. I think it would have been perfectly constitutional.

Q. When did you first realise that the civil authorities could not control the situation?

A. I was convinced in my mind that my statement of the 6th would calm down the feelings of the agitators but if it did not have the desired effect, the civil authorities had no other alternative but to hand over the city of Lahore to the military. By 12 O'clock I had decided to hand over to the military.

Q. Did you not feel that you were putting the Central Government in a position of extreme embarrassment when you expressed your unequivocal support to the demands particularly when this support was contrary to the views expressed by the Central Government in their letter of 28th February?

A. The intention was to control a desperate situation. It was not a measure which normally one would have adopted unless the pressure of circumstances

Was so great.

Q. Supposing you felt that the expression of Provincial Government's support for the demands would embarrass the Central Government, would it not have been better for you to take a perfectly constitutional step, namely, that of handing over to the military?

A. What weighed upon my mind was that handing over to the military was a very big step. It was a confession of complete defeat. It would have been not only at that time but for a long period to come afterwards, a very serious repercussion both in the national and the international sphere. It was natural for anyone to make every conceivable effort to avoid such a contingency. I was also of the view that the feelings of the public were so much inflamed that unless an effort was also made to appease them, even handing over to the military might not be able to restore law and order without great bloodshed.

Q. You expressed your views on the merits of the demands in the appeal of the 6th. Was it an honest expression of opinion or just a political move?

A. My written statement would make the point clear.

It was apparent to the Government that the demands had the very enthusiastic support of a vast majority of the people of the province. It was a political expedient because I thought that the situation could not be handled otherwise. The motive behind the appeal was to control the law- and -order situation. It was not as though my mind had become clear all of a sudden as to the merits of the demands.

Q. If you had any doubts about the correctness of your views on the merits of the demands, would it not have been better to hand over to the military than to give public expression to a view which was not held with certainty by you and your colleagues?

A. It is a difficult question to answer for a person who had to take immediate action under the pressure of a very serious situation. I had not only to think of my academic views about the issue but also of the immediate danger to which so many people were exposed. I may have been wrong but I was convinced at that moment that if such a concession were not made, very great bloodshed might follow whether the situation is handed over to the military or not.

Q. The views expressed in the appeal of 6th March are inconsistent with what you subsequently said in your statement of 9th March. Which of these expresses your honest opinion?

A. The statement of the 9th does not contain any reference to the merits of the demands. It only says that no talk about the demands could take place until the law- and-order situation was restored. It was not, therefore, in contradiction to the statement of the 6th.

Q. In the Cabinet meeting held on 8th March in Karachi, the Punjab representative, Mr. Leghari, is alleged to have stated that had the Punjab Government considered the demands to be justified, they would not have rejected them to begin with. Did he express this view on instructions from you?

A. If the Hon'ble Minister has said that the Punjab Government had on a previous occasion formally or informally met, considered the demands, and decided that the demands as such were not acceptable, it does not reflect the real position. The real position was that the demands "as presented" could not be accepted.

Q. How do you say that the demands had the support of a preponderating section of the people? Was this opinion

formed merely by reason of the intensity and extent of the riots in Lahore?

A. It was in deference to the intensity and extent of the riots all over the province.

Q. If a section of the people put up a constitutional demand, what is the constitutional manner of enforcing that demand?

A. This demand should be presented, in the first instance, to the Constituent Assembly, and if the necessary measure is not carried through by that Assembly, to make the suggested reform an issue in the next elections.

Q. You have the reputation of being a very shrewd politician. If you had been the dictator of Pakistan and these demands had been presented to you, what would have been your reaction to them?

A. It is difficult for me to visualise myself as a dictator because my conviction is that dictatorship is not a correct form of Government. In any case, I would not have proved a good dictator. If it depended entirely on my will, I would have done my best to see that these demands were not raised. The

demands in themselves were not fundamental or immediately necessary in any way for Pakistan. Pakistan had much larger problems to face which required solidarity and unity and it was inopportune to raise matters of domestic controversy till Pakistan was completely secure.

Q. What reaction in the international sphere would you expect if the demands had been accepted?

A. Very bad.

To Mr. Yaqub Ali Khan:-

Q. You say the policy of your Government was not to apply the Punjab Public Safety Act while dealing with this agitation. Was this the policy of your Government only or the policy of the other Governments also?

A. I think this was also the policy of the Central Government.

Q. After the disturbances outside the Muslim League office, did you not direct Mir War Ahmed, D.P.R., to contact the Ahrar with a view to persuading them to issue a public statement condemning the hooliganism that had taken place? (The witness's memory is refreshed by referring him to the news item in the "Afaq" of 1st August 1952, Ex.D.E/335.)

A. My impression is that I did ask either the Home Secretary or the D.P.R. to see that the Majlis-i-Ahrar or the Majlis-i-Amal issue such a statement. I have, however, no clear recollection.

Q. Can you recall the background, which was presented to you at the time when the question of the continuation and expansion of the scheme to give aid to pro-Government papers arose?

A. Newspapers which oppose the Government or indulge in irresponsible and disreputable criticism of the people in power become popular, but when they support the Government, they suffer loss in circulation. The reason is that people still regard themselves as living in the days of the anti-Imperialist struggle and

it will take some time before we get out of that state of mind. The position has been obvious to all Governments in the past, and during the Ministry of the late Sir Sikander Hayat Khan assistance was given to all such newspapers. Later on, during the Ministry of Khan Iftikhar Husain Khan of Mamdot very substantial assistance was given by way of allotment of presses to those newspapers which supported the Government, particularly the "Zamindar" and the "Nawa-i-Waqat". Then, during the section- 92 regime this matter was considered and a policy decided upon- I think there is a record of that before the Court- in order to face this difficulty. They had also employed various methods, such as regulating the flow of advertisements, giving special newsprint quotas and affording various other privileges to the owners of pro-Government newspapers. This policy, which had specifically been decided in 1950 and on which action had been taken, was placed before me in 1951 and I agreed with it. It was not the policy to pay any conscience money to any newspaper, because this assistance was given only to those newspapers which, for a considerable

time past, had independently supported the Muslim League. It was not a question of persuading a hostile newspapers to support the Government.

Q. The D.I.G in his note, dated the 31st July 1952, has remarked that only "firm action by Government could produce favourable results". Was it necessary for you to point out or enunciate any fresh policy of the Government in relation to this agitation and was any such policy or decision solicited from you?

A. No.

Q. In file No.16(2)103, it is noted by Khan Zulqarnain Khan, S.P. on the 2nd of February 1953, that you and the I.C.P. had seen Master Taj-ud-Din. Is this the interview to which you have made a reference in your written statement?

A. No other interview with Master Taj-ud-Din took place in February, except the one that I have mentioned.

Q. Are there any reasons for the withdrawal of cases against the Ahrar and others in Gujranwala (File No.16(2) 99)?

A. What is apparent in this case is that the situation in Gujranwala particularly had taken an alarming turn on or about the 10th or 11th of the month. The indications given in the letters and weekly reports (on pages 7 to 9, 11 to 19, 39 to 47 and 51 to 55 (correspondence)) that were sent by the Deputy

against five out of the twelve persons. It was with this background that the Provincial officers were consulted by the local officers. As I have previously stated, I have no precise recollection of the exact basis on which the decision of the 15th July was taken, but the obvious reasons for it were that the previous policy of the Government had been only to take action against prominent Ahrar leaders and the practice everywhere had been to take action only against speakers who addressed meetings in connection with the agitation. The general policy was to isolate the Ahrar from the public. Now an attempt was being made to confuse the issue and represent that an attack had been made on a congregation in the mosque.

Q. During the time you held office, was there only one meeting of the Pakistan Muslim League?

A. No, there were two meetings.

To Court:-

Q. Can we have the benefit of your views on the ideology which excludes non-Muslims from all key-posts in the State?

A. I am totally opposed to it.

Q. Even if that ideology be based on a politico-religious conception of Islam?

A. If this is based on the Qur'an, I would support it, otherwise not. ✓

Q. And if there be anything in the sunnah in support of it? ✓

A. The Federal Court may have to answer this question.

Q. Did you in pursuance of the decision taken in connection with the activities of the Ahrar or with a view to dealing with the agitation ever consult the Governor before the 5th March?

A. I think so. On various occasions, this matter was discussed between H.E. the Governor and myself and I do not think our views were at variance.

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R.O. & A.C.

Sd/- M. Munir

President,

Sd / M.R. Kayani

23rd January 1954.

Member

Adjourned to the 1st of Feb: 1954 for arguments. The parties are directed to present synopsis of their arguments on Saturday, the 30th of January 1954.

Sd/- M. Munir

President,

Sd/- M. R. Kayani

23rd January 1954.

Member,